

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 ) CR-18-00258-EJD  
 PLAINTIFF, )  
 ) SAN JOSE, CALIFORNIA  
 VS. )  
 ) APRIL 15, 2022  
 RAMESH "SUNNY" BALWANI, )  
 ) VOLUME 18  
 DEFENDANT. )  
 )  
 ) PAGES 2725 - 2841

TRANSCRIPT OF TRIAL PROCEEDINGS  
BEFORE THE HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: UNITED STATES ATTORNEY'S OFFICE  
BY: JOHN C. BOSTIC  
JEFFREY B. SCHENK  
150 ALMADEN BOULEVARD, SUITE 900  
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1301 CLAY STREET, SUITE 340S  
OAKLAND, CALIFORNIA 94612

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTER:  
IRENE L. RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED WITH COMPUTER



INDEX OF PROCEEDINGS

GOVERNMENT'S:

**DANIEL EDLIN**

CROSS-EXAM BY MS. WALSH (RES.) P. 2731

REDIRECT EXAM BY MR. BOSTIC P. 2804

RE-CROSS-EXAM BY MS. WALSH P. 2833

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX OF EXHIBITS

IDENT.

EVIDENCE

GOVERNMENT'S

4018

2782

DEFENDANT'S

10462

2742

7694

2747

13993 & 13993A

2753

13986

2758

10446

2759

10457

2765

20160

2768

20472

2770

20161 & 20162

2772

10472

2773

20546

2784

20544

2789

20545

2790

13988

2794

20183

2798

1 SAN JOSE, CALIFORNIA

APRIL 15, 2022

2 P R O C E E D I N G S

09:08AM 3 (COURT CONVENED AT 9:08 A.M.)

09:08AM 4 (JURY OUT AT 9:08 A.M.)

09:23AM 5 THE COURT: WE'RE BACK ON THE RECORD IN THE BALWANI  
09:23AM 6 MATTER. ALL COUNSEL ARE PRESENT.

09:23AM 7 MR. BALWANI IS PRESENT.

09:23AM 8 OUR JURY AND ALTERNATES ARE PRESENT.

09:23AM 9 I LOOKED OUT AT THE AUDIENCE BECAUSE I'M NOT USED TO THIS.  
09:23AM 10 I HAVE TO GET USED TO US BEING BACK IN THE JURY BOX HERE. IT'S  
09:23AM 11 NICE TO SEE YOU ALL, LADIES AND GENTLEMEN.

09:23AM 12 LET ME ASK YOU THAT QUESTION THAT YOU ARE ALL FAMILIAR  
09:23AM 13 WITH.

09:23AM 14 DURING OUR BREAK, DID YOU OR ANYONE ON OUR JURY HAVE CAUSE  
09:23AM 15 TO READ, VIEW, DISCUSS, OR IN ANY WAY LEARN ANYTHING ABOUT THIS  
09:23AM 16 CASE OUTSIDE OF WHAT YOU'VE LEARNED IN THIS COURTROOM?

09:23AM 17 ANYONE HAVE ANY EXPOSURE TO ANY MATERIAL?

09:23AM 18 I SEE NO HANDS. THANK YOU VERY MUCH.

09:23AM 19 AND IS OUR WITNESS HERE? WE'LL HAVE MR. EDLIN COME IN.

09:23AM 20 LADIES AND GENTLEMEN, WHILE MR. EDLIN IS COMING TO THE  
09:24AM 21 STAND, WE'LL HAVE ONE BREAK TODAY, MAYBE 20, 20, 25 MINUTE  
09:24AM 22 BREAK MIDWAY THROUGH TODAY.

09:24AM 23 WE'RE GOING TO END A LITTLE BEFORE NOON, ABOUT FIVE OR  
09:24AM 24 TEN MINUTES BEFORE NOON TODAY.

09:24AM 25 I DO WANT TO TELL YOU OUR WONDERFUL STAFF HAVE LOOKED AT

09:24AM 1 OUR CALENDARS, AND WE HAVE IDENTIFIED SOME DATES THAT WE MAY BE  
09:24AM 2 ABLE TO CAPTURE ADDITIONAL TIME. AND WE'RE GOING TO GIVE YOU  
09:24AM 3 THOSE CALENDARS FOR YOU TO LOOK AT AND STUDY, AND NEXT WEEK  
09:24AM 4 WE'LL TALK. I'LL ASK YOU SOME QUESTIONS ABOUT WHETHER OR NOT  
09:24AM 5 YOU CAN MAKE YOURSELVES AVAILABLE AT SOME TIME.

09:24AM 6 ONE OF THE OTHER QUESTIONS, AND YOU'LL SEE ON THE SCHEDULE  
09:24AM 7 WE GIVE YOU, IS WHETHER WE CAN START OUR PROCEEDINGS AT 8:30.  
09:24AM 8 I KNOW THAT PRESENTS SOME ISSUES FOR SOME OF YOU, BUT I'D LIKE  
09:24AM 9 TO DISCUSS THAT IF WE CAN.

09:24AM 10 SO WE'LL GIVE YOU THAT AT THE END OF THE DAY AND SOMETHING  
09:24AM 11 THAT YOU CAN TAKE HOME WITH YOU.

09:24AM 12 ALL RIGHT. THANK YOU VERY MUCH.

09:24AM 13 MR. EDLIN IS ON THE STAND.

09:24AM 14 SIR, IF YOU COULD JUST REPEAT YOUR NAME, PLEASE, STATE  
09:25AM 15 YOUR NAME.

09:25AM 16 THE WITNESS: DANIEL EDLIN.

09:25AM 17 THE COURT: THANK YOU.

09:25AM 18 **(GOVERNMENT'S WITNESS, DANIEL EDLIN, WAS PREVIOUSLY**  
09:25AM 19 **SWORN.)**

09:25AM 20 THE COURT: MS. WALSH.

09:25AM 21 MS. WALSH: THANK YOU, YOUR HONOR.

09:25AM 22 MAY I REMOVE MY MASK, YOUR HONOR?

09:25AM 23 THE COURT: YES, YES. THANK YOU.

09:25AM 24 ///

09:25AM 25 ///

**CROSS-EXAMINATION (RESUMED)**

09:25AM 1

09:25AM 2

BY MS. WALSH:

09:25AM 3

Q. GOOD MORNING, MR. EDLIN. WELCOME BACK.

09:25AM 4

A. GOOD MORNING. THANK YOU.

09:25AM 5

Q. SO I WANT TO PICK UP THE TESTIMONY THIS MORNING WITH THE

09:25AM 6

INTERVIEW OF MS. HOLMES BY ROGER PARLOFF.

09:25AM 7

AND JUST TO ORIENT OURSELVES, MR. PARLOFF WAS A WRITER;

09:25AM 8

CORRECT?

09:25AM 9

A. CORRECT.

09:25AM 10

Q. AND HE WAS WRITING A PIECE FOR "FORTUNE" MAGAZINE; IS THAT

09:25AM 11

RIGHT.

09:25AM 12

A. THAT'S RIGHT.

09:25AM 13

Q. AND THAT WAS AN ARTICLE ON THERANOS; RIGHT?

09:25AM 14

A. CORRECT.

09:25AM 15

Q. AND YOU AND OTHERS AT THERANOS DID SOME WORK TO PREPARE

09:25AM 16

FOR THAT INTERVIEW; CORRECT?

09:25AM 17

A. YES.

09:26AM 18

Q. SO LET'S TAKE A LOOK AT EXHIBIT 1752, WHICH IS IN

09:26AM 19

EVIDENCE.

09:26AM 20

YOUR HONOR, MAY WE PUBLISH THAT?

09:26AM 21

THE COURT: YES.

09:26AM 22

BY MS. WALSH:

09:26AM 23

Q. AND, MR. EDLIN, THIS IS AN EMAIL CHAIN AMONG YOU, AND

09:26AM 24

MS. HOLMES, AND MR. BLICKMAN, AND CHRISTIAN HOLMES REGARDING

09:26AM 25

SOME ITEMS TO BE PREPARED FOR THE PARLOFF INTERVIEW; IS THAT

09:26AM 1 RIGHT?

09:26AM 2 A. YES.

09:26AM 3 Q. AND THE DATE OF THAT EMAIL IS JUNE 1ST, 2014; CORRECT?

09:26AM 4 WELL, THE TOP EMAIL IS JUNE 1ST, 2014; RIGHT?

09:26AM 5 A. YES.

09:26AM 6 Q. OKAY. AND THE SUBJECT IS ROGER PARLOFF - AGGREGATED

09:26AM 7 ACTION ITEMS.

09:26AM 8 DO YOU SEE THAT?

09:26AM 9 A. YES.

09:26AM 10 Q. OKAY. AND JUST TAKE A LOOK AT THE EMAIL CHAIN THROUGHOUT.

09:26AM 11 IT'S A FAIRLY LONG CHAIN.

09:26AM 12 A. IS THIS IN ONE OF THE BINDERS?

09:27AM 13 Q. NO. IT'S ON THE SCREEN.

09:27AM 14 A. OKAY.

09:27AM 15 Q. YEAH. IF WE COULD JUST SCROLL THROUGH THE CHAIN.

09:27AM 16 AND MY QUESTION IS, MR. BALWANI IS NOT ON THIS EMAIL

09:27AM 17 CHAIN; IS THAT RIGHT?

09:27AM 18 A. RIGHT.

09:27AM 19 Q. AND ATTACHED TO THE CHAIN -- WITHDRAWN.

09:27AM 20 AS PART OF THE CHAIN WITHIN THE EMAIL, THERE IS A

09:27AM 21 CHECKLIST.

09:27AM 22 DO YOU SEE THAT?

09:27AM 23 A. YES.

09:27AM 24 Q. AND IF WE GO TO PAGE 1, THE CHECKLIST HAS ACTION ITEMS;

09:27AM 25 RIGHT?



09:27AM 1 A. YES.

09:27AM 2 Q. AND THEN THERE'S A COLUMN TO THE RIGHT CALLED RESOURCE.

09:27AM 3 DO YOU SEE THAT?

09:27AM 4 A. YES.

09:27AM 5 Q. AND THERE ARE DIFFERENT PEOPLE ASSIGNED TO COLLECT

09:27AM 6 DIFFERENT PIECES OF INFORMATION; IS THAT FAIR?

09:27AM 7 A. YES.

09:27AM 8 Q. AND LET'S JUST GO THROUGH SOME OF THOSE.

09:27AM 9 SO ON PAGE 1 REGARDING THE LAB FORM REFLEX TESTING

09:28AM 10 CONFIGURATION, THAT WAS ASSIGNED TO DANIEL YOUNG; RIGHT?

09:28AM 11 A. RIGHT.

09:28AM 12 Q. THE SEPSIS PAPER THAT WILL BE PUBLISHED.

09:28AM 13 ALSO DR. YOUNG; RIGHT?

09:28AM 14 A. RIGHT.

09:28AM 15 Q. AND THAT SEPSIS PAPER RELATED TO YOUR WORK WITH THE BURN

09:28AM 16 STUDY IN CONNECTION WITH THE MILITARY; IS THAT CORRECT?

09:28AM 17 A. I BELIEVE THERE WAS ANOTHER SEPSIS STUDY.

09:28AM 18 Q. OKAY. SO THE NEXT ITEM IS BACKGROUND ON THE FACT THAT WE

09:28AM 19 FIGURED OUT HOW TO FREEZE CAPILLARY BLOOD.

09:28AM 20 DO YOU SEE THAT?

09:28AM 21 A. YES.

09:28AM 22 Q. AND DR. YOUNG WAS IN CHARGE OF THAT; CORRECT?

09:28AM 23 A. YES.

09:28AM 24 Q. AND THEN DATA ON THE AMOUNT OF BLOOD REQUIRED TO DO

09:28AM 25 ADDITIONAL TESTS USING A TRADITIONAL SAMPLE THAT COULD DO ANY

09:28AM 1 POSSIBLE REFLEX TESTS VERSUS THERANOS.

09:28AM 2 ALSO DR. YOUNG; RIGHT?

09:28AM 3 A. RIGHT.

09:28AM 4 Q. AND THEN DATA ON PERFORMANCE OF POC INSTRUMENTS NOT BEING

09:28AM 5 ACCURATE, AS ACCURATE/GOOD.

09:28AM 6 ALSO DR. YOUNG; RIGHT?

09:29AM 7 A. YES.

09:29AM 8 Q. DATA ON ANY COMBINATION OF TESTS BEING ABLE TO BE DONE ON

09:29AM 9 OUR FRAMEWORK.

09:29AM 10 ALSO DR. YOUNG; CORRECT?

09:29AM 11 A. CORRECT.

09:29AM 12 Q. AND THEN IF WE FLIP OVER TO PAGE 2 -- AND I'M NOT GOING TO

09:29AM 13 GO THROUGH EVERY SINGLE ONE OF THESE BUT JUST A COUPLE.

09:29AM 14 LANGUAGE ON WHAT HE CAN SAY ABOUT OUR HAVING DEVICES, HOW

09:29AM 15 MANY DEVICES WE ARE USING IN EACH FACILITY.

09:29AM 16 THAT WAS ASSIGNED TO MS. HOLMES; RIGHT?

09:29AM 17 A. RIGHT.

09:29AM 18 Q. AND THEN NUMBER 17, LANGUAGE ON THE DEVICE COMPARISON AND

09:29AM 19 LAB COMPARISON BETWEEN THERANOS AND QUEST.

09:29AM 20 ALSO MS. HOLMES?

09:29AM 21 A. YES.

09:29AM 22 Q. AND IF WE GO DOWN TO NUMBER 40, POSSIBLE PT DATA.

09:29AM 23 PT IS PROFICIENCY TESTING; RIGHT?

09:29AM 24 A. RIGHT.

09:29AM 25 Q. AND VALIDATION REPORTS, PHARMA REPORTS, AND VALUATION.

09:29AM 1 THAT WAS ALSO ASSIGNED TO MS. HOLMES; RIGHT?

09:29AM 2 A. RIGHT.

09:29AM 3 Q. AND THEN IF WE GO TO PAGE 3, THERE'S SOMETHING THAT SAYS

09:29AM 4 DONE - PER EAH.

09:30AM 5 DO YOU SEE THAT?

09:30AM 6 A. YES.

09:30AM 7 Q. AND THAT'S A REFERENCE TO MS. HOLMES; RIGHT?

09:30AM 8 A. RIGHT.

09:30AM 9 Q. AND NUMBER 2 IS DATA - SHOWING OUR PERFORMANCE VERSUS

09:30AM 10 HOSPITAL LABS OR OTHER LABS.

09:30AM 11 THAT WAS ASSIGNED TO DR. YOUNG; RIGHT?

09:30AM 12 A. RIGHT.

09:30AM 13 Q. AND THEN FOLLOW UP ON VITAMIN D CV AND NIST/CDC STANDARDS

09:30AM 14 BEING LESS THAN 5 PERCENT.

09:30AM 15 THAT WAS DR. YOUNG; CORRECT?

09:30AM 16 A. CORRECT.

09:30AM 17 Q. AND WHAT DOES CV STAND FOR?

09:30AM 18 A. COEFFICIENT OF VARIATION.

09:30AM 19 Q. OKAY. AND ON THIS LIST OF TASKS, THERE WERE ABOUT 30 OR

09:30AM 20 MORE TASKS, MR. BALWANI DOES NOT APPEAR ANYWHERE ON THIS LIST,

09:30AM 21 DOES HE?

09:30AM 22 A. IF YOU COULD JUST ZOOM BACK TO THE FULL LIST.

09:30AM 23 NO.

09:30AM 24 Q. OKAY. WE CAN TAKE THAT DOWN.

09:30AM 25 SO, MR. EDLIN, THE PARLOFF INTERVIEW, THAT WAS MS. HOLMES

09:30AM 1 SITTING FOR THE INTERVIEW; CORRECT?

09:30AM 2 A. YES.

09:31AM 3 Q. WERE YOU PRESENT FOR THAT INTERVIEW?

09:31AM 4 A. NO.

09:31AM 5 Q. DO YOU KNOW IF MR. BALWANI WAS PRESENT?

09:31AM 6 A. I DON'T. I DON'T BELIEVE HE WAS.

09:31AM 7 Q. ALL RIGHT. NOW, I WANT TO TURN TO YOUR TESTIMONY ABOUT  
09:31AM 8 YOUR RELATIONSHIPS WITH THE MILITARY. OKAY?

09:31AM 9 GENERALLY SPEAKING, IS IT FAIR TO SAY THAT IT WAS

09:31AM 10 MS. HOLMES WHO HAD THE RELATIONSHIPS WITH THE DIFFERENT

09:31AM 11 COMPONENTS OF THE MILITARY?

09:31AM 12 A. YES.

09:31AM 13 Q. AND SHE WAS THE ONE LEADING THERANOS'S EFFORTS IN THOSE  
09:31AM 14 RELATIONSHIPS; IS THAT CORRECT?

09:31AM 15 A. CORRECT.

09:31AM 16 Q. AND SO YOU WORKED CLOSELY WITH HER IN YOUR COMMUNICATIONS  
09:31AM 17 WITH THE MILITARY; CORRECT?

09:31AM 18 A. CORRECT.

09:31AM 19 Q. SO THE FIRST COMPONENT I WANT TO ASK YOU ABOUT IS SOCOM.

09:31AM 20 DO YOU REMEMBER TESTIFYING ABOUT THAT?

09:31AM 21 A. YES.

09:31AM 22 Q. AND WHAT DOES SOCOM STAND FOR?

09:31AM 23 A. SPECIAL OPERATIONS COMMAND.

09:32AM 24 Q. OKAY. THE GOVERNMENT SHOWED YOU EXHIBIT 504, WHICH IS IN  
09:32AM 25 EVIDENCE.

09:32AM 1 AND, YOUR HONOR, CAN WE PUBLISH THAT?

09:32AM 2 THE COURT: YES.

09:32AM 3 MS. WALSH: IF WE CAN PULL THAT UP.

09:32AM 4 Q. AND THIS WAS THE EMAIL TO MAJOR COOK; CORRECT?

09:32AM 5 A. CORRECT.

09:32AM 6 Q. AND THAT WAS WITH THE ATTACHMENT THAT DESCRIBED THERANOS.

09:32AM 7 DO YOU REMEMBER THAT?

09:32AM 8 A. YES.

09:32AM 9 Q. AND MR. BALWANI IS NOT ON EITHER ONE OF THESE EMAILS IN

09:32AM 10 THE CHAIN; IS THAT RIGHT?

09:32AM 11 A. RIGHT.

09:32AM 12 Q. IF WE CAN TURN TO THE ATTACHMENT ON PAGE 6, THE PROJECT

09:33AM 13 SCOPE.

09:33AM 14 YOU WERE ASKED ABOUT THAT; RIGHT?

09:33AM 15 A. YES.

09:33AM 16 Q. AND THE SCOPE OF THE PROJECT CONTEMPLATED MILITARY

09:33AM 17 INTERACTIONS; CORRECT?

09:33AM 18 A. YES.

09:33AM 19 Q. AND IT CONTEMPLATED THE ABILITY TO TEST AND TRIAGE WOUNDED

09:33AM 20 SOLDIERS AT THE TIME OF IMPACT AND DURING EVACUATION ON THE

09:33AM 21 MEDEVAC; RIGHT?

09:33AM 22 A. RIGHT.

09:33AM 23 Q. AND THAT WAS ONE OF THE GOALS OF THE RELATIONSHIP; RIGHT?

09:33AM 24 A. CORRECT.

09:33AM 25 Q. AND YOU ENDED UP SHIPPING THREE DEVICES TO SOCOM; RIGHT?

09:33AM 1 A. RIGHT.

09:33AM 2 Q. AND SO SOCOM HAD THE DEVICES IN THEIR POSSESSION; CORRECT?

09:33AM 3 A. CORRECT.

09:33AM 4 Q. THEY COULD HAVE DONE TESTING WHILE THE DEVICE WAS IN THEIR

09:33AM 5 POSSESSION; RIGHT?

09:33AM 6 A. I BELIEVE THEY JUST HAD DEVICES AND NOT CARTRIDGES.

09:33AM 7 Q. OKAY. BUT THEY HAD THE DEVICES APART FROM THERANOS,

09:33AM 8 SEPARATE AND APART FROM THERANOS; RIGHT?

09:33AM 9 A. RIGHT.

09:33AM 10 Q. ALL RIGHT. SO YOU ALSO TESTIFIED ABOUT THE U.S. ARMY BURN

09:34AM 11 STUDY.

09:34AM 12 DO YOU REMEMBER THAT?

09:34AM 13 A. YES.

09:34AM 14 Q. AND THAT WAS A STUDY THAT WAS CONDUCTED AS A PART OF

09:34AM 15 THERANOS PARTNERING WITH THE U.S. ARMY; RIGHT?

09:34AM 16 A. I'M NOT SURE WHETHER THE OFFICIAL PARTNERSHIP WAS WITH THE

09:34AM 17 ARMY OR THE AMERICAN BURN ASSOCIATION, BUT IT WAS IN

09:34AM 18 CONSULTATION WITH THE ARMY.

09:34AM 19 Q. OKAY. IN CONSULTATION WITH.

09:34AM 20 AND THERE WERE MEMBERS OF THE MILITARY THAT YOU WORKED

09:34AM 21 WITH IN CONNECTION WITH THAT STUDY; IS THAT FAIR?

09:34AM 22 A. YES.

09:34AM 23 Q. AND THE STUDY HAD ALREADY BEGUN WHEN YOU HAD ARRIVED AT

09:34AM 24 THERANOS; RIGHT?

09:34AM 25 A. CORRECT.

09:34AM 1 Q. AND THE DOCTOR WHO WAS LEADING THE STUDY WAS

09:34AM 2 DR. KEVIN CHUNG; RIGHT?

09:34AM 3 A. RIGHT.

09:34AM 4 Q. AND HE WAS A MEMBER OF THE MILITARY; CORRECT?

09:34AM 5 A. CORRECT.

09:34AM 6 Q. AND THE STUDY WAS FUNDED, WAS IT NOT, BY THE U.S. ARMY

09:34AM 7 INSTITUTE OF SURGICAL RESEARCH?

09:34AM 8 A. RIGHT.

09:34AM 9 Q. AND THE STUDY WAS A CLINICAL TRIAL, WASN'T IT?

09:34AM 10 A. I AM NOT SURE.

09:34AM 11 Q. OKAY. WELL, WE'LL LOOK AT A DOCUMENT AND THAT MAY HELP

09:35AM 12 YOU ANSWER THAT.

09:35AM 13 A. OKAY.

09:35AM 14 Q. BUT DURING THE COURSE OF THIS STUDY YOU SENT THERANOS

09:35AM 15 DEVICES TO VARIOUS DIFFERENT HOSPITALS AROUND THE COUNTRY;

09:35AM 16 RIGHT?

09:35AM 17 A. RIGHT.

09:35AM 18 Q. AND WE SAW THAT YESTERDAY IN THAT LIST OF DEVICES THAT

09:35AM 19 WERE SENT OUT TO DIFFERENT STATES AND DIFFERENT CITIES.

09:35AM 20 DO YOU REMEMBER THAT?

09:35AM 21 A. YES.

09:35AM 22 Q. OKAY. AND THERE WERE ABOUT 40 EDISONS THAT WERE SENT TO

09:35AM 23 DIFFERENT HOSPITALS, GIVE OR TAKE?

09:35AM 24 A. I THINK THAT'S ABOUT RIGHT.

09:35AM 25 Q. AND THE HOSPITAL RECEIVED THE DEVICES AND WERE ABLE TO USE

09:35AM 1 THOSE DEVICES ON THEIR OWN; RIGHT?

09:35AM 2 A. RIGHT.

09:35AM 3 Q. AND THAT WAS FOR THE PURPOSES OF THE STUDY; CORRECT?

09:35AM 4 A. CORRECT.

09:35AM 5 Q. AND THE DEVICES THAT WERE SENT WERE 3 SERIES DEVICES;  
09:35AM 6 RIGHT?

09:35AM 7 A. CORRECT.

09:35AM 8 Q. OKAY. AND SO THE POINT OF THE STUDY WAS TO DO AN  
09:35AM 9 EVALUATION OF SEPSIS IN CONNECTION WITH BURN VICTIMS.

09:35AM 10 DO YOU REMEMBER THAT?

09:35AM 11 A. YES.

09:35AM 12 Q. AND THE ARMY OR THE PEOPLE WHO WERE DOING THIS STUDY CAME  
09:36AM 13 TO LEARN THAT BURN VICTIMS HAVE A PARTICULAR SUSCEPTIBILITY TO  
09:36AM 14 SEPSIS; IS THAT RIGHT?

09:36AM 15 A. YES.

09:36AM 16 Q. OKAY. AND SEPSIS IS AN EXTREMELY SERIOUS CONDITION;  
09:36AM 17 CORRECT?

09:36AM 18 A. CORRECT.

09:36AM 19 Q. IT CAN BE LIFE THREATENING; RIGHT?

09:36AM 20 A. RIGHT.

09:36AM 21 Q. AND SO THE POINT OF THE STUDY WAS TO TRY TO IMPROVE  
09:36AM 22 TREATMENT FOR THOSE BURN VICTIMS TO PREVENT SEPSIS; CORRECT?  
09:36AM 23 PREVENT OR TREAT SEPSIS?

09:36AM 24 A. I THINK THAT'S FAIR.

09:36AM 25 Q. OKAY. AND YOUR ROLE IN THE STUDY WAS ESSENTIALLY AS A



09:36AM 1 COORDINATOR; RIGHT?

09:36AM 2 A. RIGHT.

09:36AM 3 Q. SIMILAR TO YOUR ROLE IN OTHER ASPECTS OF THE COMPANY -- OF

09:36AM 4 THERANOS; RIGHT?

09:36AM 5 A. RIGHT.

09:36AM 6 Q. AND IN THAT ROLE, YOU COMMUNICATED WITH RESEARCH

09:36AM 7 COORDINATORS AT THE DIFFERENT HOSPITALS; RIGHT?

09:36AM 8 A. RIGHT.

09:36AM 9 Q. IF THEY HAD QUESTIONS, THEY WOULD CONTACT YOU?

09:36AM 10 A. RIGHT.

09:36AM 11 Q. AND YOU DID TRAINING AT THE HOSPITALS; CORRECT?

09:37AM 12 A. CORRECT.

09:37AM 13 Q. SOME OF THE HOSPITALS ALREADY HAD THE 3.0 DEVICES; RIGHT?

09:37AM 14 A. CORRECT.

09:37AM 15 Q. AND SOME DIDN'T; RIGHT?

09:37AM 16 A. RIGHT.

09:37AM 17 Q. AND FOR ONES WHO DIDN'T, YOU SENT THOSE DEVICES TO THE

09:37AM 18 HOSPITALS; CORRECT?

09:37AM 19 A. YES.

09:37AM 20 Q. OKAY. AND WHEN YOU SENT THOSE DEVICES TO THOSE HOSPITALS,

09:37AM 21 YOU WORKED WITH THE SOFTWARE ENGINEERS AT THERANOS TO PREPARE

09:37AM 22 THE DEVICES; RIGHT?

09:37AM 23 A. RIGHT.

09:37AM 24 Q. BECAUSE THE DEVICES HAD TO BE PREPARED AND PACKAGED AND

09:37AM 25 SHIPPED OUT TO THE HOSPITALS.

09:37AM 1 IS THAT FAIR?

09:37AM 2 A. YES.

09:37AM 3 Q. OKAY. SO TURN IN YOUR BINDER TO 10462.

09:37AM 4 A. OKAY. LET ME JUST GET THERE.

09:38AM 5 Q. OKAY. IS THIS AN EMAIL BETWEEN YOU AND A PERSON NAMED

09:38AM 6 ELSA COATES AND OTHERS?

09:38AM 7 A. YES.

09:38AM 8 Q. IT'S FROM ELSA COATES; CORRECT?

09:38AM 9 A. CORRECT.

09:38AM 10 Q. AND WHO WAS ELSA COATES?

09:38AM 11 A. SHE WAS A CLINICAL RESEARCH COORDINATOR WITH THE ARMY.

09:38AM 12 Q. OKAY. AND THE DATE OF THE EMAIL IS NOVEMBER 9TH, 2012; IS

09:38AM 13 THAT RIGHT?

09:38AM 14 A. YES.

09:38AM 15 Q. AND WAS THIS EMAIL IN CONNECTION WITH YOUR WORK FOR THE

09:38AM 16 BURN STUDY?

09:38AM 17 A. YES.

09:38AM 18 MS. WALSH: YOUR HONOR, WE OFFER 10462.

09:38AM 19 MR. BOSTIC: NO OBJECTION.

09:38AM 20 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

09:38AM 21 (DEFENDANT'S EXHIBIT 10462 WAS RECEIVED IN EVIDENCE.)

09:38AM 22 BY MS. WALSH:

09:38AM 23 Q. OKAY. LET'S TAKE A LOOK AT PAGE 1, THIS FIRST PAGE THAT

09:38AM 24 WE ARE ON.

09:38AM 25 THIS EMAIL WAS SENT FROM ELSA COATES TO YOU AND A WHOLE

09:38AM 1 GROUP OF OTHER PEOPLE.

09:38AM 2 DO YOU SEE THAT?

09:38AM 3 A. YES.

09:38AM 4 Q. AND GOING DOWN TO THE FOURTH PARAGRAPH, THE EMAIL GIVES  
09:39AM 5 SOME DIRECTIONS ON WHERE YOU SHOULD BE DROPPED OFF.

09:39AM 6 DO YOU SEE THAT?

09:39AM 7 A. YES.

09:39AM 8 Q. AND IT'S THE SAN ANTONIO MILITARY MEDICAL CENTER; RIGHT?

09:39AM 9 A. YES.

09:39AM 10 Q. AND IT SAYS IT'S "FORMALLY KNOWN AS THE BROOKE ARMY  
09:39AM 11 MEDICAL CENTER"; RIGHT?

09:39AM 12 A. RIGHT.

09:39AM 13 Q. IF WE CAN TURN TO PAGE 2, THERE WAS A LONG LIST OF PEOPLE  
09:39AM 14 AT THE TOP OF PAGE 2 WHO WERE GOING TO THIS MEETING?

09:39AM 15 A. RIGHT.

09:39AM 16 Q. AND JUST SO IT'S CLEAR, THIS WAS ABOUT A MEETING THAT YOU  
09:39AM 17 WERE GOING TO ATTEND WITH A BUNCH OF OTHER PEOPLE; RIGHT?

09:39AM 18 A. CORRECT.

09:39AM 19 Q. AND THESE PEOPLE ARE ON THE EMAIL?

09:39AM 20 A. YES.

09:39AM 21 Q. AND THIS LIST ARE SOME OF THE ATTENDEES AT THAT MEETING;  
09:39AM 22 RIGHT?

09:39AM 23 A. YES.

09:39AM 24 Q. AND SOME OF THEM YOU CAN SEE ARE MEDICAL DOCTORS; RIGHT?

09:39AM 25 A. CORRECT.

09:39AM 1 Q. AND THERE'S YOU AT THE BOTTOM; RIGHT?

09:40AM 2 A. YES.

09:40AM 3 Q. AND YOU'RE REPRESENTING THERANOS?

09:40AM 4 A. RIGHT.

09:40AM 5 Q. AND IF WE GO DOWN TO THE LAST EMAIL OR THE LAST ONE ON

09:40AM 6 PAGE 2, THIS IS FROM ELSA COATES?

09:40AM 7 A. CORRECT.

09:40AM 8 Q. AND SHE SAYS, "OUR OBJECTIVE IS TO PROVIDE EXTENSIVE

09:40AM 9 TRAINING ON THE PROTOCOL AND INTERVENTIONAL PROCEDURES,

09:40AM 10 THERANOS READERS, VELOS/PAPER, CRFS, REGULATORY DOCUMENTS, AND

09:40AM 11 THE DCC WEBSITE."

09:40AM 12 DO YOU SEE THAT?

09:40AM 13 A. YES.

09:40AM 14 Q. AND SO THIS WAS AN EMAIL IN FURTHERANCE OF YOUR PROVIDING

09:40AM 15 TRAINING ON THE THERANOS READERS; IS THAT RIGHT?

09:40AM 16 A. THAT'S RIGHT.

09:40AM 17 Q. AND THEN YOU WENT TO THE DIFFERENT HOSPITAL TO GIVE THAT

09:40AM 18 TRAINING; CORRECT?

09:40AM 19 A. TO -- YES. I WENT TO SOME OF THE HOSPITAL. NOT ALL.

09:40AM 20 Q. SOME?

09:40AM 21 A. RIGHT.

09:40AM 22 Q. AND HOW MANY DID YOU GO TO? DO YOU REMEMBER?

09:40AM 23 A. I DON'T REMEMBER EXACTLY. IT COULD BE FIVE OR SIX.

09:41AM 24 Q. OKAY. AND THOSE WERE IN VARIOUS DIFFERENT PARTS OF THE

09:41AM 25 COUNTRY?

09:41AM 1 A. CORRECT.

09:41AM 2 Q. OKAY. AND SO WHEN YOU WENT TO THE HOSPITAL, AND EVEN WHEN

09:41AM 3 YOU WERE BACK AT THERANOS, YOU WOULD KEEP IN CONTACT WITH THE

09:41AM 4 PEOPLE AT THE HOSPITAL RUNNING THOSE MACHINES; IS THAT FAIR?

09:41AM 5 A. YES.

09:41AM 6 Q. AND IF THEY HAD QUESTIONS ABOUT THE MACHINE, THEY WOULD

09:41AM 7 CALL YOU; RIGHT?

09:41AM 8 A. YES.

09:41AM 9 Q. AND IF THEY HAD ANY ISSUES, LIKE CONNECTIVITY REGARDING

09:41AM 10 THE MACHINES, THEY WOULD CONTACT YOU; CORRECT?

09:41AM 11 A. CORRECT.

09:41AM 12 Q. OR SOMETIMES CARTRIDGES NEEDED TO BE REPLACED. THAT WOULD

09:41AM 13 BE SOMETHING THAT YOU WOULD TALK TO THEM ABOUT; RIGHT?

09:41AM 14 A. RIGHT.

09:41AM 15 Q. OKAY. AND YOU WERE THE ONE RESPONSIBLE FOR GETTING THEM

09:41AM 16 WHATEVER THEY NEEDED SO THAT THEY COULD RUN THE MACHINE IN THE

09:41AM 17 HOSPITAL; RIGHT?

09:41AM 18 A. RIGHT.

09:41AM 19 Q. AND SO ONCE THE STUDY BEGAN, DATA STARTED TO BE GENERATED;

09:42AM 20 RIGHT?

09:42AM 21 A. RIGHT.

09:42AM 22 Q. BLOOD SAMPLES WERE TAKEN FROM THE PATIENTS; RIGHT?

09:42AM 23 A. RIGHT.

09:42AM 24 Q. AND THE SAMPLES WERE ANALYZED ON THE THERANOS READERS;

09:42AM 25 RIGHT?

09:42AM 1 A. RIGHT.

09:42AM 2 Q. THEY WERE SENT BACK DIGITALLY TO THERANOS; CORRECT?

09:42AM 3 A. THE DATA, YES.

09:42AM 4 Q. THE DATA, YES.

09:42AM 5 AND THAT DATA WAS PROVIDED TO DR. CHUNG; RIGHT?

09:42AM 6 A. YES.

09:42AM 7 Q. HE WAS THE ONE WHO WAS IN CHARGE OF THE ENTIRE STUDY;

09:42AM 8 CORRECT?

09:42AM 9 A. CORRECT.

09:42AM 10 Q. AND THAT STUDY WENT ON FOR THREE OR FOUR YEARS, DIDN'T IT?

09:42AM 11 A. IT DID.

09:42AM 12 Q. AT THE END OF THE STUDY, A REPORT WAS PUBLISHED ON THE

09:42AM 13 FINDINGS.

09:42AM 14 DO YOU REMEMBER THAT?

09:42AM 15 A. YES.

09:42AM 16 Q. AND THAT WAS A CULMINATION OF ALL OF THE WORK THAT HAD

09:42AM 17 BEEN DONE OVER THE THREE OR FOUR YEARS FOR THAT STUDY; RIGHT?

09:42AM 18 A. RIGHT.

09:42AM 19 Q. AND IT INVOLVED A LOT OF WORK; RIGHT?

09:42AM 20 A. YES.

09:42AM 21 Q. IT INVOLVED OTHER SCIENTISTS AT THERANOS; CORRECT?

09:42AM 22 A. CORRECT.

09:42AM 23 Q. SOFTWARE ENGINEERS; RIGHT?

09:42AM 24 A. RIGHT.

09:42AM 25 Q. AND YOU PLAYED A COORDINATING ROLE IN THOSE EFFORTS;

09:42AM 1 CORRECT?

09:42AM 2 A. YES.

09:42AM 3 Q. OKAY. IF YOU CAN TURN TO 7694.

09:43AM 4 DO YOU SEE THAT?

09:43AM 5 A. YES.

09:43AM 6 Q. AND IS THAT THE RESULT OF THE STUDY THAT WAS PUBLISHED ON

09:43AM 7 THE BURN STUDY?

09:43AM 8 A. YES.

09:43AM 9 MS. WALSH: YOUR HONOR WE OFFER 7694?

09:43AM 10 MR. BOSTIC: NO OBJECTION.

09:43AM 11 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

09:43AM 12 (DEFENDANT'S EXHIBIT 7694 WAS RECEIVED IN EVIDENCE.)

09:43AM 13 BY MS. WALSH:

09:43AM 14 Q. OKAY. SO LET'S JUST TAKE A LOOK FIRST AT THE TITLE OF

09:43AM 15 THIS EXHIBIT.

09:43AM 16 THE TITLE IS HIGH-VOLUME HEMOFILTRATION IN ADULT BURN

09:43AM 17 PATIENTS WITH SEPTIC SHOCK AND ACUTE KIDNEY INJURY; A MULTI

09:43AM 18 CENTER RANDOMIZED CONTROLLED TRIAL."

09:43AM 19 DO YOU SEE THAT?

09:43AM 20 A. YES.

09:43AM 21 Q. AND BELOW THE TITLE IS KEVIN K. CHUNG.

09:43AM 22 THAT'S DR. CHUNG; RIGHT?

09:43AM 23 A. YES.

09:43AM 24 Q. AND THEN THERE'S ELSA COATES, WHO YOU WERE ALSO IN CONTACT

09:44AM 25 WITH; RIGHT?

09:44AM 1 A. RIGHT.

09:44AM 2 Q. AND THEN AT THE BOTTOM OF THIS PAGE, THIS REPORT WAS

09:44AM 3 PRESENTED ON MARCH 24TH, 2017.

09:44AM 4 IS THAT CORRECT?

09:44AM 5 A. YES.

09:44AM 6 Q. AND THAT WAS AFTER YOU LEFT THERANOS; RIGHT?

09:44AM 7 A. YES.

09:44AM 8 Q. OKAY. AND IF WE GO TO PAGE 3 OF THE REPORT, THE TOP LEFT

09:44AM 9 PARAGRAPH, DO YOU SEE ALL SIX CYTOKINES, AND THEN THERE'S A

09:44AM 10 LIST OF THESE DIFFERENT ABBREVIATIONS?

09:44AM 11 A. YES.

09:44AM 12 Q. OKAY. AND IT SAYS THEY WERE MEASURED BY A SANDWICH ELISA

09:44AM 13 METHOD ON THE THERANOS 3.0 DEVICE?

09:44AM 14 A. YES.

09:44AM 15 Q. AND THOSE ABBREVIATIONS, EACH ONE OF THOSE IS A DIFFERENT

09:44AM 16 ASSAY, IS IT NOT?

09:44AM 17 A. THAT'S MY UNDERSTANDING.

09:44AM 18 Q. SO THERE WERE SIX DIFFERENT ASSAYS THAT WERE USED IN

09:45AM 19 CONNECTION WITH THE STUDY; RIGHT?

09:45AM 20 A. RIGHT.

09:45AM 21 Q. ALL ON THE 3.0 DEVICE?

09:45AM 22 A. RIGHT.

09:45AM 23 Q. OKAY. IF YOU CAN TURN TO PAGE 7 OF THE REPORT.

09:45AM 24 PAGE 7 HAS THE ACKNOWLEDGEMENTS FOR THE STUDY; RIGHT?

09:45AM 25 A. RIGHT.



09:45AM 1 Q. AND IN THE SECOND COLUMN, IT'S A LITTLE HARD TO FIND, BUT  
09:45AM 2 IN THE TOP PARAGRAPH ABOVE THE WORD "FUNDING," ABOUT FIVE LINES  
09:45AM 3 UP.

09:45AM 4 DO YOU SEE THAT?

09:45AM 5 A. YES.

09:45AM 6 Q. THERE'S AN ACKNOWLEDGEMENT FOR THERANOS; RIGHT?

09:45AM 7 A. RIGHT.

09:45AM 8 Q. AND ELIZABETH HOLMES; CORRECT?

09:45AM 9 A. CORRECT.

09:45AM 10 Q. AND DANIEL YOUNG; RIGHT?

09:45AM 11 A. RIGHT.

09:45AM 12 Q. AND YOU; RIGHT?

09:45AM 13 A. RIGHT.

09:45AM 14 Q. AND THEN BELOW THAT IT SAYS, "THE FUNDING - THIS WORK WAS  
09:45AM 15 FUNDED BY THE UNITED STATES ARMY MEDICAL RESEARCH AND MATERIAL  
09:45AM 16 COMMAND."

09:45AM 17 DO YOU SEE THAT?

09:45AM 18 A. I DO.

09:46AM 19 Q. OKAY. YOU CAN TAKE THAT DOWN.

09:46AM 20 SO THIS STUDY WAS A SUCCESS. IT RESULTED IN DATA BEING  
09:46AM 21 GENERATED; RIGHT?

09:46AM 22 MR. BOSTIC: OBJECTION COMPOUND.

09:46AM 23 THE COURT: DO YOU WANT TO ASK BOTH THOSE  
09:46AM 24 SEPARATELY.

09:46AM 25 MS. WALSH: SURE.

09:46AM 1 Q. MR. EDLIN, THIS STUDY RESULTED IN DATA BEING GENERATED;  
09:46AM 2 RIGHT?  
09:46AM 3 A. RIGHT.  
09:46AM 4 Q. FROM THE THERANOS MACHINES; CORRECT?  
09:46AM 5 A. RIGHT.  
09:46AM 6 Q. AND THAT DATA WAS ANALYZED BY DR. CHUNG; RIGHT?  
09:46AM 7 A. RIGHT.  
09:46AM 8 Q. IT ENDED UP IN A REPORT; CORRECT?  
09:46AM 9 A. CORRECT.  
09:46AM 10 Q. AND THAT REPORT WAS PRESENTED TO A MEDICAL ASSOCIATION;  
09:46AM 11 RIGHT?  
09:46AM 12 A. RIGHT.  
09:46AM 13 Q. AND IT WAS PUBLISHED; RIGHT?  
09:46AM 14 A. RIGHT.  
09:46AM 15 Q. AND SO THE STUDY WAS A SUCCESS; IS THAT FAIR?  
09:46AM 16 A. I BELIEVE I WOULD SAY THAT THE STUDY WAS COMPLETED. I  
09:46AM 17 THINK THE INVESTIGATORS WERE HOPING TO GET MORE PATIENTS  
09:46AM 18 ENROLLED, BUT IT WAS COMPLETED.  
09:47AM 19 Q. OKAY. BUT FOR THE PATIENTS WHO WERE, THESE WERE BURN  
09:47AM 20 VICTIMS; RIGHT?  
09:47AM 21 A. RIGHT.  
09:47AM 22 Q. SO FOR THE PATIENTS WHO WERE ENROLLED --  
09:47AM 23 MADAM COURT REPORTER: EXCUSE ME. ONE MOMENT,  
09:47AM 24 COUNSEL.  
09:47AM 25 THE COURT: EXCUSE ME. I HEAR SOME DEVICE GOING

09:47AM 1 OFF. CAN EVERYONE PLEASE CHECK YOUR DEVICES.

09:47AM 2 IS IT YOUR MACHINE?

09:48AM 3 MADAM COURT REPORTER: I DON'T KNOW.

09:48AM 4 THE COURT: MS. WALSH.

09:48AM 5 MS. WALSH: SHOULD WE PAUSE AGAIN?

09:48AM 6 (PAUSE IN PROCEEDINGS.)

09:49AM 7 BY MS. WALSH:

09:49AM 8 Q. SO, MR. EDLIN, UNDERSTANDING THAT THERE WERE PERHAPS NOT

09:49AM 9 AS MANY PATIENTS AS EVERYONE WANTED IN THE STUDY, THE PATIENTS

09:49AM 10 WHO DID PARTICIPATE IN THE STUDY, DATA WAS GENERATED FROM THOSE

09:49AM 11 PATIENTS; RIGHT?

09:49AM 12 A. CORRECT.

09:49AM 13 Q. AND THE STUDY WAS COMPLETED; RIGHT?

09:49AM 14 A. YES.

09:49AM 15 Q. AND A REPORT WAS PUBLISHED AND DELIVERED AT A CONFERENCE;

09:49AM 16 CORRECT?

09:49AM 17 A. YES.

09:49AM 18 Q. OKAY. LET'S NOW MOVE ON TO YOUR WORK IN CONNECTION WITH

09:50AM 19 THE AFRICAN COMMAND. OKAY?

09:50AM 20 A. YES.

09:50AM 21 Q. AND THAT'S ABBREVIATED AS AFRICOM; RIGHT?

09:50AM 22 A. YES.

09:50AM 23 Q. AND WHAT AFRICOM IS, IS IT'S THE MILITARY COMMAND FOR ALL

09:50AM 24 OF -- ALL OF THE MILITARY WHO IS DOING WORK ON THE AFRICAN

09:50AM 25 CONTINENT; IS THAT RIGHT?

09:50AM 1 A. RIGHT.

09:50AM 2 Q. OKAY. AND THE GOVERNMENT ASKED YOU YESTERDAY WHETHER ANY

09:50AM 3 CLINICAL TESTING WAS PERFORMED ON THE MACHINE, ON THE THERANOS

09:50AM 4 MACHINE THAT WAS GIVEN TO AFRICOM.

09:50AM 5 DO YOU REMEMBER THAT?

09:50AM 6 A. YES.

09:50AM 7 Q. AND THE ANSWER WAS NO, THERE WAS NO CLINICAL TESTING

09:50AM 8 PERFORMED; RIGHT?

09:50AM 9 A. RIGHT.

09:50AM 10 Q. BUT THE FIRST STEP OF THAT RELATIONSHIP, WAS JUST TO SEE

09:50AM 11 HOW THE DEVICE PERFORMED IN CONDITIONS IN AFRICA; IS THAT

09:50AM 12 RIGHT?

09:50AM 13 A. RIGHT.

09:50AM 14 Q. BECAUSE THERE WERE EXTREME TEMPERATURES IN AFRICA; RIGHT?

09:50AM 15 A. RIGHT.

09:50AM 16 Q. AND AFRICOM HAD TO MAKE SURE THAT THE DEVICE COULD

09:50AM 17 WITHSTAND THOSE CONDITIONS; RIGHT?

09:50AM 18 A. CORRECT.

09:51AM 19 Q. AND SO YOU WERE, AGAIN, A COORDINATOR FOR THE DISCUSSIONS

09:51AM 20 WITH AFRICOM; RIGHT?

09:51AM 21 A. RIGHT.

09:51AM 22 Q. LET'S TAKE A LOOK THEN, IN CONNECTION WITH YOUR WORK,

09:51AM 23 LET'S TAKE A LOOK AT 13993 IN YOUR BINDER.

09:51AM 24 DO YOU SEE THAT?

09:51AM 25 A. I DO.

09:51AM 1 Q. AND JUST TAKE A LOOK THROUGH THE CHAIN. IT'S A LONG  
09:51AM 2 EMAIL.

09:51AM 3 A. I'M FAMILIAR WITH IT, YES.

09:51AM 4 Q. OKAY. IS THAT AN EMAIL CHAIN WITH LIEUTENANT COLONEL  
09:52AM 5 GIVENS, MS. HOLMES, CHRISTIAN HOLMES, AND YOU ABOUT YOUR WORK  
09:52AM 6 IN CONNECTION WITH AFRICOM?

09:52AM 7 A. YES.

09:52AM 8 MS. WALSH: YOUR HONOR, THE GOVERNMENT -- WE OFFER  
09:52AM 9 13993.

09:52AM 10 MR. BOSTIC: YOUR HONOR, I WOULD OBJECT TO THIS  
09:52AM 11 COMING IN WITHOUT THE ATTACHMENT.

09:52AM 12 THE COURT: IS THAT A?

09:52AM 13 MS. WALSH: IT IS A. THAT'S FINE.

09:52AM 14 THE COURT: DO YOU SEEK TO ADMIT 993 AND 993A?

09:52AM 15 MS. WALSH: I'M HAPPY TO DO THAT, YES.

09:52AM 16 MR. BOSTIC: NO OBJECTION.

09:52AM 17 THE COURT: BOTH OF THOSE ARE ADMITTED 13993 AND  
09:52AM 18 13993A ARE ADMITTED. THEY MAY BE PUBLISHED.

09:52AM 19 (DEFENDANT'S EXHIBITS 13993 AND 13993A WERE RECEIVED IN  
09:52AM 20 EVIDENCE.)

09:52AM 21 BY MS. WALSH:

09:52AM 22 Q. OKAY. SO LET'S TURN TO PAGE 11 OF THE EMAIL CHAIN.

09:52AM 23 ARE YOU THERE?

09:52AM 24 A. YES.

09:52AM 25 Q. OKAY. THIS IS AN EMAIL FROM MELISSA GIVENS TO YOU,

09:53AM 1 MS. HOLMES, AND MR. HOLMES.

09:53AM 2 DO YOU SEE THAT?

09:53AM 3 A. YES.

09:53AM 4 Q. AND BY THE WAY, MR. BALWANI IS NOT ON THIS EMAIL CHAIN;  
09:53AM 5 RIGHT?

09:53AM 6 A. RIGHT.

09:53AM 7 Q. OKAY. AND WHAT -- MELISSA GIVENS WAS A  
09:53AM 8 LIEUTENANT COLONEL; CORRECT?

09:53AM 9 A. CORRECT.

09:53AM 10 Q. AND WHAT SHE SAYS IS THAT "IT HAS BEEN AN EXTREMELY BUSY  
09:53AM 11 WEEK FOR ME, SO I HAVE NOT HAD MUCH TIME TO DEVOTE TO PROTOCOL  
09:53AM 12 WRITING.

09:53AM 13 "I FIGURED I CAN SEND YOU A SHELL OF THE PROTOCOL AND LET  
09:53AM 14 YOU WORK ON FILLING IN PERTINENT DETAILS WHILE I FLESH OUT THE  
09:53AM 15 REMAINDER OF THE PROTOCOL."

09:53AM 16 DO YOU SEE THAT?

09:53AM 17 A. YES.

09:53AM 18 Q. AND SO LET'S GO FORWARD THEN IN TIME TO PAGE 9.

09:53AM 19 AT THE BOTTOM YOU EMAIL LIEUTENANT COLONEL GIVENS. WE'RE  
09:53AM 20 IN MAY 2012?

09:53AM 21 A. YES.

09:53AM 22 Q. AND YOU SAY, "LIEUTENANT COLONEL GIVENS,

09:53AM 23 "THANK YOU. CAN YOU ALSO PLEASE CLARIFY HOW YOU ENVISION  
09:53AM 24 THE SHIPPING PROCESS FOR THE DEVICE AND THE CARTRIDGES. WILL  
09:54AM 25 WE BE SENDING THEM SEPARATELY TO DIFFERENT LOCATIONS? IF SO,

09:54AM 1 CAN YOU PLEASE LET US KNOW WHERE THEY WILL BE SHIPPED? I

09:54AM 2 RECALL YOUR SAYING DURING OUR MEETING THAT YOU WOULD CARRY THE

09:54AM 3 DEVICE WITH YOU; DOES THIS MEAN THAT WE WOULD FIRST SHIP THE

09:54AM 4 READER TO YOU IN GERMANY, AND THEN SHIP THE CARTRIDGES

09:54AM 5 SEPARATELY TO THE LOCATION IN THEATER? THIS INFORMATION WILL

09:54AM 6 HELP ENSURE THAT WE HAVE ALL OF THE CUSTOMS PERMITS FOR

09:54AM 7 SHIPPING."

09:54AM 8 DO YOU SEE THAT?

09:54AM 9 A. YES.

09:54AM 10 Q. AND THEN SHE RESPONDS TO YOU IN THE NEXT EMAIL UP AND SHE

09:54AM 11 SAYS, "DAN,

09:54AM 12 "PLEASE PLAN ON SHIPPING THE DEVICE AND CARTRIDGES TO ME

09:54AM 13 IN GERMANY."

09:54AM 14 AND THEN IF WE GO DOWN TO THE NEXT PARAGRAPH.

09:54AM 15 "I WILL HAND CARRYING EVERYTHING WITH ME TO CAMEROON FOR

09:54AM 16 THE FIRST TEST."

09:54AM 17 DO YOU SEE THAT?

09:54AM 18 A. YES.

09:54AM 19 Q. AND LET'S MOVE FORWARD IN TIME TO PAGE 2.

09:54AM 20 AND YOU HAVE MORE QUESTIONS FOR LIEUTENANT COLONEL; RIGHT?

09:54AM 21 A. RIGHT.

09:54AM 22 Q. AND YOUR EMAIL AT 8:42 A.M. TO HER ASKS IN THE LAST

09:55AM 23 PARAGRAPH, "CAN YOU ALSO PLEASE ADDRESS THE FOLLOWING QUESTIONS

09:55AM 24 AS WE WORK ON PREPARING THE MATERIALS:

09:55AM 25 "HOW WILL THE CARTRIDGES BE STORED IN THE FIELD? WE WILL

09:55AM 1 NEED TO PREPARE THE APPROPRIATE PACKAGING.

09:55AM 2 "HOW LONG WILL THE CARTRIDGES BE STORED IN THE FIELD? YOU  
09:55AM 3 MENTIONED THAT IT WOULD BE A LITTLE OVER A WEEK IN CAMEROON --  
09:55AM 4 DO YOU HAVE ANY ADDITIONAL DETAILS? HOW LONG WILL YOU BE IN  
09:55AM 5 UGANDA?

09:55AM 6 "HOW WILL THE DEVICE BE TRANSPORTED IN THE FIELD? I.E.,  
09:55AM 7 DO YOU PLAN ON KEEPING THE DEVICE IN ITS PACKAGING IN BETWEEN  
09:55AM 8 USE? WHAT KIND OF CONDITIONS MIGHT BE ON THE MEDEVAC FROM  
09:55AM 9 GERMANY TO UGANDA?"

09:55AM 10 AND THEN YOU ASK ABOUT THE POWER OUTLETS WHEN THE DEVICE  
09:55AM 11 IS BEING USED.

09:55AM 12 DO YOU SEE THAT?

09:55AM 13 A. YES.

09:55AM 14 Q. OKAY. AND THEN SHE RESPONDS ON PAGES 1 THROUGH 2 OF THIS  
09:55AM 15 EMAIL, AND WHAT SHE SAYS IN HER SECOND PARAGRAPH IS, "THE  
09:55AM 16 TRAINING SITE HAS OPEN AIR BUILDING WITH NO AC AND THE  
09:56AM 17 TEMPERATURE WILL BE BETWEEN 100-110 DEGREES FAHRENHEIT"; RIGHT?

09:56AM 18 A. RIGHT.

09:56AM 19 Q. AND THOSE ARE HIGH TEMPERATURES CONSIDERING THAT THE  
09:56AM 20 THERANOS DEVICES WERE NOT NECESSARILY BUILT FOR THOSE  
09:56AM 21 TEMPERATURES; IS THAT RIGHT?

09:56AM 22 A. THAT'S MY UNDERSTANDING.

09:56AM 23 Q. AND THEN ON THE NEXT PAGE SHE SAYS, "WHEN WE FLY THE  
09:56AM 24 EQUIPMENT FROM UGANDA, IT WILL BE ON A NON-PRESSURIZED AIRCRAFT  
09:56AM 25 AT ALTITUDES LESS THAN 10,000 FEET. TEMPERATURES WILL RANGE



09:56AM 1 FROM 100 DEGREES FAHRENHEIT WITH HIGH HUMIDITY WITH TO  
09:56AM 2 60 DEGREES IN FLIGHT."  
09:56AM 3 DO YOU SEE THAT?  
09:56AM 4 A. YES.  
09:56AM 5 Q. AND YOU'RE TALKING TO HER ABOUT THE TRANSPORT AND THE  
09:56AM 6 VARIOUS DIFFERENT CONDITIONS ON THE FLIGHT; CORRECT?  
09:56AM 7 A. CORRECT.  
09:56AM 8 Q. AND THE TEMPERATURES ARE GOING TO BE PRETTY HIGH IN  
09:56AM 9 AFRICA; IS THAT RIGHT?  
09:56AM 10 A. YES.  
09:56AM 11 Q. OKAY. AND SO THERANOS THEN WORKED TO MAKE SURE THE DEVICE  
09:57AM 12 THAT YOU WERE GOING TO SEND HER COULD WITHSTAND THOSE  
09:57AM 13 TEMPERATURES; RIGHT?  
09:57AM 14 A. RIGHT.  
09:57AM 15 Q. DO YOU REMEMBER THAT?  
09:57AM 16 A. YES.  
09:57AM 17 Q. OKAY. LET'S LOOK AT 13986.  
09:57AM 18 DO YOU SEE THAT?  
09:57AM 19 A. YES.  
09:57AM 20 Q. AND IS THAT AN EMAIL FROM DANIEL YOUNG TO YOU, MS. HOLMES,  
09:57AM 21 AND CHRISTIAN HOLMES?  
09:57AM 22 A. YES.  
09:57AM 23 Q. AND THAT'S IN CONNECTION WITH THE AFRICOM TRAINING AND  
09:57AM 24 PROJECT; RIGHT?  
09:57AM 25 A. YES.

09:57AM 1 MS. WALSH: YOUR HONOR, WE OFFER 13986.

09:57AM 2 MR. BOSTIC: NO OBJECTION.

09:57AM 3 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

09:57AM 4 (DEFENDANT'S EXHIBIT 13986 WAS RECEIVED IN EVIDENCE.)

09:57AM 5 BY MS. WALSH:

09:57AM 6 Q. SO THIS IS ON JUNE 1ST, 2012?

09:57AM 7 A. RIGHT.

09:57AM 8 Q. AND DANIEL YOUNG IS WRITING TO YOU AND CHRISTIAN HOLMES,  
09:57AM 9 COPYING MS. HOLMES.

09:57AM 10 AND WHAT HE SAYS -- AND THE SUBJECT IS AFRICOM TRAINING.

09:57AM 11 AND WHAT HE SAYS IS, "48 HOURS OF CONTINUAL TESTING OF THE  
09:58AM 12 READER AT 110 DEGREES FAHRENHEIT COMPLETED SUCCESSFULLY  
09:58AM 13 TONIGHT. WE RAN 100 PROTOCOLS SEQUENTIALLY -- SO I FEEL VERY  
09:58AM 14 GOOD ABOUT RELIABILITY FOR THIS EMPLOYMENT.

09:58AM 15 "AFTER REMOVING THE DEVICE FROM THE THERMAL TESTING  
09:58AM 16 CHAMBER, THE AFRICOM PROTOCOL WAS TESTED SUCCESSFULLY -- SO IT  
09:58AM 17 IS GOOD TO GO FOR YOUR DEMO TOMORROW.

09:58AM 18 "READER IS #106 AND IS SITTING IN THE QA TEST AREA."

09:58AM 19 DO YOU SEE THAT?

09:58AM 20 A. YES.

09:58AM 21 Q. AND READER REFERS TO THE DEVICE ITSELF; RIGHT?

09:58AM 22 A. CORRECT.

09:58AM 23 Q. OKAY. AND THE AFRICOM PROTOCOL, THAT WAS THE PROTOCOL  
09:58AM 24 THAT LIEUTENANT COLONEL GIVENS GAVE TO THERANOS; RIGHT?

09:58AM 25 A. RIGHT.

09:58AM 1 Q. SHE DECIDED WHAT TESTS TO RUN; CORRECT?

09:58AM 2 A. SHE DECIDED WHAT TEST RESULTS WOULD APPEAR ON THE SCREEN.

09:58AM 3 Q. RIGHT.

09:58AM 4 A. ON THE READER.

09:58AM 5 Q. RIGHT. AND SO IT WASN'T CLINICAL TESTING FOR PATIENTS;

09:58AM 6 RIGHT?

09:58AM 7 A. RIGHT.

09:58AM 8 Q. IT WAS JUST TO SEE IF THE DEVICE COULD WITHSTAND THESE

09:59AM 9 EXTREME CONDITIONS; CORRECT?

09:59AM 10 A. CORRECT.

09:59AM 11 Q. LET'S TURN TO 10446 IN YOUR BINDER.

09:59AM 12 DO YOU HAVE THAT?

09:59AM 13 A. I DO.

09:59AM 14 Q. OKAY. IS THAT ANOTHER EMAIL BETWEEN YOU,

09:59AM 15 LIEUTENANT COLONEL GIVENS, MS. HOLMES, AND CHRISTIAN HOLMES?

09:59AM 16 A. YES.

09:59AM 17 Q. AND DID THAT RELATE AGAIN TO THE AFRICOM PROJECT?

09:59AM 18 A. YES.

09:59AM 19 MS. WALSH: YOUR HONOR, WE OFFER 10446.

09:59AM 20 MR. BOSTIC: NO OBJECTION.

09:59AM 21 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

09:59AM 22 (DEFENDANT'S EXHIBIT 10446 WAS RECEIVED IN EVIDENCE.)

09:59AM 23 BY MS. WALSH:

09:59AM 24 Q. OKAY. SO IF WE GO TO THE BOTTOM EMAIL FROM

10:00AM 25 LIEUTENANT COLONEL GIVENS.

10:00AM 1 SHE WRITES, "THERANOS TEAM.

10:00AM 2 "I MADE IT BACK FROM 2 TRIPS TO AFRICA AND MANAGED TO WORK  
10:00AM 3 THROUGH ALL OF THE CASES IN THE PROTOCOL.

10:00AM 4 "THE MACHINE TRAVELED WELL AND FUNCTIONED WELL. MY ONLY  
10:00AM 5 COMPLAINT IS THE TOUCHSCREEN -- VERY FRUSTRATING.

10:00AM 6 "I WILL BE PREPARING A FULL REPORT."

10:00AM 7 AND THEN SHE GOES ON.

10:00AM 8 A COUPLE OF PARAGRAPHS DOWN SHE SAYS, "BECAUSE THE MACHINE  
10:00AM 9 SEEMED TO FUNCTION WELL IN THE ENVIRONMENT, I AM GOING TO WRITE  
10:00AM 10 A PREPROPOSAL TO SUBMIT TO THE USSOCOM BISC IN HOPES OF GAINING  
10:00AM 11 FUNDING FOR A FULL PROPOSAL THROUGH THE USSOCOM BAA FOR  
10:00AM 12 EXTRAMURAL BIOMEDICAL RESEARCH AND DEVELOPMENT."

10:00AM 13 DO YOU SEE THAT?

10:00AM 14 A. YES.

10:00AM 15 Q. AND SHE GOES ON.

10:00AM 16 "MY GOAL WILL BE TO DEPLOY 3-5 MACHINES TO AFRICA TO USE  
10:00AM 17 REALTIME AT LOCATIONS WHERE WE HAVE PERSISTENT PRESENCE AND  
10:00AM 18 COLLECT REAL LABORATORY DATA AND COMPARE IT TO THE CURRENT  
10:01AM 19 STANDARD OF CARE."

10:01AM 20 DO YOU SEE THAT?

10:01AM 21 A. I DO.

10:01AM 22 Q. SO SHE'S SAYING THAT THE DEVICE TRAVELLED WELL, IT  
10:01AM 23 FUNCTIONED WELL; RIGHT?

10:01AM 24 A. RIGHT.

10:01AM 25 Q. AND SHE DIDN'T LIKE THE TOUCHSCREEN; RIGHT?

10:01AM 1

A. RIGHT.

10:01AM 2

Q. BUT THE NEXT STEP WAS TO WRITE UP A REPORT AND A

10:01AM 3

PREPROPOSAL FOR IT TO BE USED FOR TESTING; RIGHT?

10:01AM 4

A. RIGHT.

10:01AM 5

Q. OKAY. AND THEN LET'S LOOK AT THE TOP EMAIL.

10:01AM 6

YOU REPLIED TO HER, "LIEUTENANT COLONEL GIVENS,

10:01AM 7

"WE ARE VERY HAPPY TO HEAR THAT THE TRIP WENT WELL AND

10:01AM 8

THAT THERE WERE NO ISSUES WITH TRAVEL AND FUNCTION OF THE

10:01AM 9

DEVICE. AS SOON AS WE RECEIVE THE DEVICE WE WILL WORK ON

10:01AM 10

COMPILING THE PERFORMANCE DATA FOR YOU.

10:01AM 11

"PLEASE NOTE THAT WE HAVE DEVELOPED A FAMILY OF NEXT

10:01AM 12

GENERATION SYSTEMS WHICH INCLUDE A MUCH MORE DYNAMIC AND

10:01AM 13

SENSITIVE TOUCHSCREEN."

10:01AM 14

DO YOU SEE THAT?

10:01AM 15

A. YES.

10:01AM 16

Q. AND SO LIEUTENANT COLONEL GIVENS GOT THE 3.0 DEVICE;

10:01AM 17

RIGHT?

10:01AM 18

A. RIGHT.

10:01AM 19

Q. AND THE NEXT GENERATION MACHINES WERE THE 4 SERIES; RIGHT?

10:02AM 20

A. RIGHT.

10:02AM 21

Q. AND WE SPOKE ABOUT THOSE YESTERDAY; CORRECT?

10:02AM 22

A. RIGHT.

10:02AM 23

Q. AND THOSE 4 SERIES MACHINES HAD BETTER USER INTERFACES;

10:02AM 24

RIGHT?

10:02AM 25

A. RIGHT.

10:02AM 1 Q. MORE SENSITIVE SCREENS; RIGHT?

10:02AM 2 A. RIGHT.

10:02AM 3 Q. BETTER GRAPHICS; CORRECT?

10:02AM 4 A. RIGHT.

10:02AM 5 Q. AND SO THAT'S WHAT YOU'RE TELLING HER IS THAT WE HAVE NEXT

10:02AM 6 GENERATION GRAPHICS THAT ARE GOING TO BE BETTER; CORRECT?

10:02AM 7 A. THIS IS WHAT ELIZABETH TOLD ME TO SAY TO HER, BUT THAT'S

10:02AM 8 WHAT IS BEING SAID HERE.

10:02AM 9 Q. OKAY. SO MS. HOLMES REVIEWED THIS EMAIL BEFORE YOU SENT

10:02AM 10 IT?

10:02AM 11 A. YES.

10:02AM 12 Q. OKAY. BUT THIS IS WHAT WAS SENT TO LIEUTENANT COLONEL

10:02AM 13 GIVENS; RIGHT?

10:02AM 14 A. RIGHT.

10:02AM 15 Q. AND IT'S TRUE, WASN'T IT, THAT THE SCREENS ON THE 4 SERIES

10:02AM 16 DEVICES WERE BETTER; RIGHT?

10:02AM 17 A. YES.

10:02AM 18 Q. OKAY. ALL RIGHT. LET'S TALK NOW ABOUT YOUR WORK WITH

10:03AM 19 U.S. CENTRAL COMMAND.

10:03AM 20 DO YOU REMEMBER THAT?

10:03AM 21 A. YES.

10:03AM 22 Q. AND SO U.S. CENTRAL COMMAND WAS ABBREVIATED CENTCOM;

10:03AM 23 RIGHT?

10:03AM 24 A. RIGHT.

10:03AM 25 Q. AND IT WAS ANOTHER DIVISION OF THE DEPARTMENT OF DEFENSE;

10:03AM 1 CORRECT?

10:03AM 2 A. CORRECT.

10:03AM 3 Q. AND CENTCOM OVERSAW ALL OF THE MILITARY THAT WAS LOCATED

10:03AM 4 IN THE MIDDLE EAST; RIGHT?

10:03AM 5 A. RIGHT.

10:03AM 6 Q. AND YOU TESTIFIED THAT THAT RELATIONSHIP WITH CENTCOM

10:03AM 7 BEGAN IN ABOUT APRIL 2012.

10:03AM 8 DO YOU REMEMBER THAT?

10:03AM 9 A. YES.

10:03AM 10 Q. AND THE GOAL OF THE RELATIONSHIP WAS TO DEPLOY THERANOS

10:03AM 11 DEVICES TO AFGHANISTAN; RIGHT?

10:03AM 12 A. YES.

10:03AM 13 Q. WHERE THERE WAS A WAR GOING ON; CORRECT?

10:03AM 14 A. RIGHT.

10:03AM 15 Q. OKAY. AND YOU ALSO TESTIFIED YESTERDAY THAT IN

10:04AM 16 APRIL 2012, THINGS WERE STILL IN THE PLANNING STAGES WITH

10:04AM 17 CENTCOM; RIGHT?

10:04AM 18 A. RIGHT.

10:04AM 19 Q. OKAY. THEN IN SEPTEMBER 2012, YOU AND MR. HOLMES

10:04AM 20 TRAVELLED TO THE MACDILL AIR FORCE BASE IN TAMPA; RIGHT?

10:04AM 21 A. I WOULD HAVE TO SEE THE EXACT DATE.

10:04AM 22 Q. OKAY. IF YOU LOOK IN YOUR BINDER AT 20205.

10:04AM 23 A. OKAY.

10:04AM 24 Q. JUST GLANCE THROUGH THAT.

10:05AM 25 A. YES, I DO SEE THAT.

10:05AM 1 Q. DOES THAT REFRESH YOUR RECOLLECTION THAT YOU WENT TO THE  
10:05AM 2 MACDILL AIRFORCE BASE IN SEPTEMBER OF 2012?  
10:05AM 3 A. IT DOES.  
10:05AM 4 Q. OKAY. AND YOU WENT WITH MR. HOLMES; RIGHT?  
10:05AM 5 A. RIGHT.  
10:05AM 6 Q. THAT'S CHRISTIAN HOLMES; RIGHT?  
10:05AM 7 A. RIGHT.  
10:05AM 8 Q. AND YOU SENT THE DEVICE SEPARATELY; IS THAT RIGHT?  
10:05AM 9 A. RIGHT.  
10:05AM 10 Q. OKAY. AND YOU SAID YESTERDAY THAT THE MILITARY DID A  
10:05AM 11 SECURITY TEST ON THE DEVICE; RIGHT?  
10:05AM 12 A. RIGHT.  
10:05AM 13 Q. AND THAT WAS -- THAT INVOLVED PLUGGING THE DEVICE INTO A  
10:05AM 14 SERVER; RIGHT?  
10:05AM 15 A. RIGHT.  
10:05AM 16 Q. AND SEEING WHERE THE VULNERABILITIES WERE IN THE DEVICE  
10:05AM 17 WHEN IT WAS CONNECTED TO THE SERVER; RIGHT?  
10:05AM 18 A. RIGHT.  
10:05AM 19 Q. AND THOSE WERE I.T. VULNERABILITIES; RIGHT?  
10:05AM 20 A. YES.  
10:05AM 21 Q. OKAY. AND THE MILITARY ALSO HAD A REACTION TO THE SIZE OF  
10:05AM 22 THE DEVICE WHEN YOU WERE THERE; RIGHT?  
10:05AM 23 A. RIGHT.  
10:06AM 24 Q. MEMBERS OF THE MILITARY THOUGHT IT WAS TOO HEAVY; RIGHT?  
10:06AM 25 A. RIGHT.



10:06AM 1 Q. AND TOO BIG?

10:06AM 2 A. RIGHT.

10:06AM 3 Q. SO YOU TOOK THAT INFORMATION BACK TO THERANOS; CORRECT?

10:06AM 4 A. CORRECT.

10:06AM 5 Q. AND IN RESPONSE TO THAT INFORMATION, THERANOS STARTED

10:06AM 6 MODIFYING THAT DEVICE; RIGHT?

10:06AM 7 A. CORRECT.

10:06AM 8 Q. THERANOS ENGINEERS WORKED TO MAKE THAT DEVICE SMALLER;

10:06AM 9 CORRECT?

10:06AM 10 A. CORRECT.

10:06AM 11 Q. AND LIGHTER; RIGHT?

10:06AM 12 A. RIGHT.

10:06AM 13 Q. AND ENGINEERS ALSO WORKED ON ADDRESSING ANY I.T.

10:06AM 14 VULNERABILITIES IN THE DEVICE; RIGHT?

10:06AM 15 A. AS FAR AS I WAS CONCERNED.

10:06AM 16 Q. OKAY. SO TURN IN YOUR BINDER TO 10457.

10:07AM 17 A. OKAY.

10:07AM 18 Q. IS THAT AN EMAIL BETWEEN YOU, AND MAJOR CHRISTINE MURPHY,

10:07AM 19 AND ELIZABETH HOLMES ABOUT THE PROTOCOL FOR CENTCOM?

10:07AM 20 A. YES.

10:07AM 21 MS. WALSH: WE OFFER 10457.

10:07AM 22 MR. BOSTIC: NO OBJECTION.

10:07AM 23 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

10:07AM 24 (DEFENDANT'S EXHIBIT 10457 WAS RECEIVED IN EVIDENCE.)

10:07AM 25 BY MS. WALSH:

10:07AM 1 Q. OKAY. SO THE BOTTOM EMAIL IS FROM MAJOR MURPHY TO YOU.  
10:07AM 2 AND IT SAYS, "SIR,  
10:07AM 3 "FOR YOUR REFERENCE, PLEASE FIND ATTACHED THE APPROVED  
10:07AM 4 VERSION OF THE PROTOCOL"; RIGHT?

10:07AM 5 A. RIGHT.

10:07AM 6 Q. AND YOU FORWARDED THAT TO MS. HOLMES?

10:07AM 7 A. CORRECT.

10:07AM 8 Q. AND YOU SAY, "ATTACHED IS THE CENTCOM LOE PROTOCOL FOR  
10:08AM 9 YOUR RECORDS"; RIGHT?

10:08AM 10 A. RIGHT.

10:08AM 11 Q. AND YOU SAY NOTE THAT THIS IS BEING ADJUSTED TO INCLUDE  
10:08AM 12 THESE DIFFERENT ASSAYS; RIGHT?

10:08AM 13 A. RIGHT.

10:08AM 14 Q. OKAY. LET'S TAKE A LOOK AT THE PROTOCOL ITSELF. IF WE GO  
10:08AM 15 TO PAGE 1.

10:08AM 16 THE STUDY TITLE IS LIMIT THE OBJECTIVE EQUIPMENT ON THE  
10:08AM 17 THERANOS POINT OF SERVICE LAB DEVICE.

10:08AM 18 DO YOU SEE THAT?

10:08AM 19 A. YES.

10:08AM 20 Q. AND THEN IF WE GO TO PAGE 2, ITEM 3 IS STUDY FACILITIES.

10:08AM 21 AND WHAT IT LISTS IS COMBINED JOINT THEATER HOSPITAL,  
10:08AM 22 BAGRAM AIRFORCE BASE, AFGHANISTAN; CORRECT?

10:08AM 23 A. CORRECT.

10:08AM 24 Q. THAT'S WHERE THE DEVICES WERE GOING TO BE SENT; RIGHT?

10:08AM 25 A. RIGHT.

10:08AM 1 Q. AND THEN IF YOU TURN TO PAGE 6, LOOKING AT THE ABSTRACT,  
10:09AM 2 THE ABSTRACT SAYS, "THIS LOE WILL DOCUMENT THE FUNCTIONALITY OF  
10:09AM 3 THE THERANOS DEVICE IN A FIELD ENVIRONMENT AFTER DEPLOYMENT AND  
10:09AM 4 TRANSPORT FROM THE UNITED STATES. THE LOE WILL ALSO DETERMINE  
10:09AM 5 THE INFORMATION TECHNOLOGY COMPATIBILITY OF THE THERANOS DEVICE  
10:09AM 6 WITH PRE-EXISTING DOD NETWORK COMMUNICATIONS HARDWARE AND  
10:09AM 7 NETWORK SECURITY CONFIGURATIONS."

10:09AM 8 RIGHT?

10:09AM 9 A. RIGHT.

10:09AM 10 Q. THE DEVICE HAD TO BE, HAD TO BE WORKED SO THAT IT WAS  
10:09AM 11 COMPATIBLE WITH THE DOD SYSTEMS, THE I.T.; CORRECT?

10:09AM 12 A. RIGHT.

10:09AM 13 Q. CERTAIN THINGS HAD TO BE DONE TO MAKE SURE THAT THOSE TWO  
10:09AM 14 SYSTEMS COMMUNICATED; RIGHT?

10:09AM 15 A. RIGHT.

10:09AM 16 Q. AND THAT THEY COMMUNICATED IN A SAFE AND SECURE WAY;  
10:09AM 17 CORRECT?

10:09AM 18 A. CORRECT.

10:09AM 19 Q. AND LET'S LOOK AT NUMBER 3, THE RESEARCH HYPOTHESES AND  
10:09AM 20 OBJECTIVES.

10:09AM 21 IT SAYS, "THE OBJECTIVE OF THE LOE IS TO DOCUMENT THE  
10:10AM 22 FUNCTIONALITY OF THE THERANOS IN A DEPLOYED SETTING UNDER FIELD  
10:10AM 23 CONDITIONS AND ITS OPERATIONS ON THE DOD NETWORK."

10:10AM 24 DO YOU SEE THAT?

10:10AM 25 A. YES.

10:10AM 1 Q. OKAY. AND SO YOU RECEIVED THIS PROTOCOL, THE APPROVED  
10:10AM 2 VERSION OF THE PROTOCOL, IN NOVEMBER OF 2012; RIGHT?

10:10AM 3 A. RIGHT.

10:10AM 4 Q. AND YOU FORWARDED IT TO MS. HOLMES A SHORT TIME LATER IN  
10:10AM 5 EARLY DECEMBER 2012; CORRECT?

10:10AM 6 A. YES.

10:10AM 7 Q. OKAY. SO TURN NOW IN YOUR BINDER TO 20160.

10:10AM 8 A. OKAY.

10:10AM 9 Q. OKAY. TAKE A LOOK AT THAT.

10:10AM 10 AND IS THAT AN EMAIL BETWEEN YOU AND MEMBERS OF THE  
10:11AM 11 MILITARY AND MR. BALWANI ABOUT THE NETWORK CONNECTION RELATED  
10:11AM 12 TO THE CENTCOM PROJECT?

10:11AM 13 A. YES.

10:11AM 14 MS. WALSH: YOUR HONOR, WE OFFER 20160.

10:11AM 15 MR. BOSTIC: NO OBJECTION.

10:11AM 16 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

10:11AM 17 (DEFENDANT'S EXHIBIT 20160 WAS RECEIVED IN EVIDENCE.)

10:11AM 18 BY MS. WALSH:

10:11AM 19 Q. OKAY. TURNING TO PAGE 2 OF THAT EXHIBIT.

10:11AM 20 YOU EMAIL LIEUTENANT COMMANDER ROMERO.

10:11AM 21 DO YOU SEE THAT?

10:11AM 22 A. YES.

10:11AM 23 Q. AND WHAT YOU SAY IS, "WE ARE WORKING ON THE FINAL  
10:11AM 24 CONFIGURATION STEPS FOR OUR SYSTEMS, AND WE WANT TO ENSURE THAT  
10:11AM 25 WE CAN SUCCESSFULLY ESTABLISH CONNECTION ON THE NETWORK AT

10:11AM 1 CJTH."

10:11AM 2 DO YOU SEE THAT?

10:11AM 3 A. YES.

10:11AM 4 Q. AND CJTH WAS THE HOSPITAL IN BAGRAM; RIGHT?

10:11AM 5 A. I BELIEVE SO.

10:11AM 6 Q. AND THAT'S IN AFGHANISTAN?

10:11AM 7 A. RIGHT.

10:11AM 8 Q. AND THEN THE LAST SENTENCE SAYS, "WE HOPE TO BE ABLE TO

10:12AM 9 ADDRESS AS MANY I.T.-RELATED CONTINGENCIES AS POSSIBLE BEFORE

10:12AM 10 SHIPPING THE DEVICES TO THEATER"; RIGHT?

10:12AM 11 A. RIGHT.

10:12AM 12 Q. AND THEN HE WRITES BACK TO YOU, "MR. EDLIN, THERE IS NO

10:12AM 13 CELL PHONE CARRIER HERE THAT PROVIDES DATA CONNECTIVITY. THE

10:12AM 14 LOCAL CELLPHONE PROVIDER IS ROSHAN."

10:12AM 15 AND THAT WAS A CARRIER IN AFGHANISTAN; RIGHT?

10:12AM 16 A. I'M NOT SURE.

10:12AM 17 Q. OKAY. AND THEN LET'S GO UP THE CHAIN.

10:12AM 18 NEXT, YOU EMAIL MR. BALWANI; RIGHT?

10:12AM 19 A. YES.

10:12AM 20 Q. AND DO YOU SEE THAT?

10:12AM 21 A. YES.

10:12AM 22 Q. AND YOU SAY, "SUNNY,

10:12AM 23 "WOULD YOU MIND TAKING A QUICK LOOK AT THIS RESPONSE TO

10:12AM 24 THE LIEUTENANT COLONEL? JUST WANT TO MAKE SURE THERE IS NO

10:12AM 25 CONFUSION ON THEIR END?"

10:12AM 1 AND YOU SEND HIM A DRAFT OF THE EMAIL; RIGHT?

10:12AM 2 A. YES.

10:12AM 3 Q. AND THIS IS THE FIRST TIME THAT WE HAVE SEEN MR. BALWANI'S

10:12AM 4 INVOLVEMENT IN ANY OF THESE MILITARY RELATIONSHIPS; RIGHT?

10:12AM 5 A. RIGHT.

10:12AM 6 Q. AND IT'S IN CONNECTION WITH WHATEVER I.T. REQUIREMENTS

10:13AM 7 WERE NEEDED FOR THE MILITARY; IS THAT RIGHT?

10:13AM 8 A. YES.

10:13AM 9 Q. AND HE WAS IN CHARGE OF A TEAM THAT DID THAT; CORRECT?

10:13AM 10 A. CORRECT.

10:13AM 11 Q. OKAY. LET'S GO TO 20472.

10:13AM 12 DO YOU SEE THAT?

10:13AM 13 A. YES.

10:13AM 14 Q. AND IS THAT ANOTHER EMAIL WITH MR. BALWANI ABOUT THESE

10:13AM 15 NETWORK REQUIREMENTS FOR AFGHANISTAN?

10:13AM 16 A. YES.

10:14AM 17 MS. WALSH: YOUR HONOR, WE OFFER 20472.

10:14AM 18 MR. BOSTIC: NO OBJECTION.

10:14AM 19 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

10:14AM 20 (DEFENDANT'S EXHIBIT 20472 WAS RECEIVED IN EVIDENCE.)

10:14AM 21 BY MS. WALSH:

10:14AM 22 Q. OKAY. LET'S GO TO PAGE 3 OF THE EMAIL.

10:14AM 23 AND THIS IS FROM MR. BALWANI TO MICHAEL CRAIG AND OTHERS,

10:14AM 24 COPYING YOU; RIGHT?

10:14AM 25 A. RIGHT.

10:14AM 1 Q. AND IT'S ON FEBRUARY 8TH, 2013; RIGHT?

10:14AM 2 A. RIGHT.

10:14AM 3 Q. AND IT RELATES TO NETWORKING UTILITY AND CONNECTIVITY IN  
10:14AM 4 AFGHANISTAN.

10:14AM 5 DO YOU SEE THAT?

10:14AM 6 A. YES.

10:14AM 7 Q. AND MR. BALWANI SAYS, "WE WILL NEED TO DEPLOY 4S --"  
10:14AM 8 THAT'S THE DEVICE; RIGHT?

10:14AM 9 A. RIGHT.

10:14AM 10 Q. "-- IN AFGHANISTAN AT THE END OF THE MONTH AND NEED TO  
10:14AM 11 ABSOLUTE MAKE SURE THAT THE NETWORKING UTILITY IN THE DEVICE  
10:14AM 12 WORKS FLAWLESSLY"; RIGHT?

10:14AM 13 A. RIGHT.

10:14AM 14 Q. AND THEN THE NEXT EMAIL, MR. BALWANI EMAILS AGAIN, YOU'RE  
10:14AM 15 ON COPY, AND HE SAYS -- HE'S EMAILING MICHAEL CRAIG AND OTHERS?

10:15AM 16 A. UH-HUH.

10:15AM 17 Q. AND HE SAYS, "ANTTI,

10:15AM 18 "CAN YOU CREATE A SMALL NETWORK IN A SMALL ROOM DOWNSTAIRS  
10:15AM 19 (LIKE AN I.T. LAB) WHERE WE HAVE A ROUTER THAT CREATES AN  
10:15AM 20 ETHERNET WORK BUT BLOCKS ANY DEVICE FROM CONNECTING TO THE  
10:15AM 21 INTERNET USING DIFFERENT NETWORKING POLICIES AND ONLY  
10:15AM 22 LEGITIMATE DEVICE THAT CONNECT TO THE ETHERNET ARE ABLE TO  
10:15AM 23 CONNECT TO THE INTERNET. WE SHOULD KEEP THIS ROOM TO SIMULATE  
10:15AM 24 ALL DIFFERENT CONNECTIVITY SCENARIOS WE WILL SEE IN  
10:15AM 25 AFGHANISTAN."

10:15AM 1 DO YOU SEE THAT?

10:15AM 2 A. YES.

10:15AM 3 Q. AND SO HE'S WORKING WITH HIS TEAM TO TRY TO MAKE THIS  
10:15AM 4 DEVICE SECURE TO SEND TO AFGHANISTAN; CORRECT?

10:15AM 5 A. CORRECT.

10:15AM 6 Q. OKAY. IF YOU CAN TURN TO 20161 AND 20162. AND THESE TWO  
10:16AM 7 ARE VERY SHORT. IF YOU COULD TAKE A LOOK AT EACH ONE.

10:16AM 8 SO TAKING A LOOK AT 20161, IS THAT ANOTHER EMAIL CHAIN  
10:16AM 9 WITH MR. BALWANI ABOUT THE 4S DEPLOYMENT TO AFGHANISTAN AND THE  
10:16AM 10 I.T. REQUIREMENTS?

10:16AM 11 A. IT IS.

10:16AM 12 Q. AND 20162 ALSO WITH MR. BALWANI REGARDING THE SAME?

10:16AM 13 A. YES.

10:16AM 14 Q. OKAY.

10:16AM 15 YOUR HONOR, WE OFFER 20161 AND 20162.

10:16AM 16 MR. BOSTIC: NO OBJECTION.

10:16AM 17 THE COURT: THEY'RE ADMITTED. THEY MAY BE  
10:16AM 18 PUBLISHED.

10:16AM 19 (DEFENDANT'S EXHIBITS 20161 AND 20162 WERE RECEIVED IN  
10:16AM 20 EVIDENCE.)

10:16AM 21 MS. WALSH: OKAY. WE ACTUALLY DON'T NEED TO PUBLISH  
10:16AM 22 THESE. IT'S MORE OF THE SAME THAT WE JUST SAW.

10:16AM 23 Q. BUT THOSE ARE ADDITIONAL EMAILS, ARE THEY NOT, WITH  
10:17AM 24 MR. BALWANI ABOUT THIS I.T. ISSUE, IS IT NOT?

10:17AM 25 A. YES.



10:17AM 1 Q. OKAY. SO THOSE TWO EMAILS WERE IN FEBRUARY 2013.

10:17AM 2 LET'S TURN NOW TO 10472.

10:17AM 3 A. OKAY.

10:17AM 4 Q. SO IS THIS AN EMAIL CHAIN WITH JIM -- JAMES SOMMER OF THE

10:17AM 5 ARMY, U.S. CENTCOM?

10:17AM 6 A. YES.

10:17AM 7 Q. AND MR. -- I GUESS DR. SOMMER WAS THE ARMY SCIENCE

10:17AM 8 ADVISOR; CORRECT?

10:17AM 9 A. RIGHT.

10:17AM 10 Q. AND WAS THIS ALSO IN CONNECTION WITH SHIPPING THERANOS'S

10:18AM 11 DEVICES TO CENTCOM?

10:18AM 12 A. YES.

10:18AM 13 Q. OKAY.

10:18AM 14 YOUR HONOR, WE OFFER EXHIBIT 10472.

10:18AM 15 MR. BOSTIC: NO OBJECTION.

10:18AM 16 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

10:18AM 17 (DEFENDANT'S EXHIBIT 10472 WAS RECEIVED IN EVIDENCE.)

10:18AM 18 BY MS. WALSH:

10:18AM 19 Q. IF WE GO TO THE BOTTOM EMAIL, THIS IS FROM DR. SOMMER TO

10:18AM 20 YOU, AND HE SAYS, "DAN,

10:18AM 21 "YOU HAD MENTIONED THAT THE DEVICE MIGHT BE SHIPPED AT THE

10:18AM 22 END OF THE MONTH. HAVE YOU A FIRM DATE YET?"

10:18AM 23 AND YOU REPLY, "AT THIS POINT I WOULD ESTIMATE THAT AN

10:18AM 24 EARLY-MARCH TIMEFRAME IS MORE LIKELY THAN AN END-OF-FEBRUARY

10:18AM 25 SCENARIO"; RIGHT?

10:18AM 1 A. YES.

10:18AM 2 Q. AND YOU'RE STILL WORKING ON THE I.T. ISSUES ON THE DEVICE

10:18AM 3 AT THIS POINT IN TIME; RIGHT?

10:18AM 4 A. OTHERS AT THERANOS WERE WORKING ON IT, BUT YES.

10:18AM 5 Q. FAIR ENOUGH.

10:18AM 6 OTHERS AT THERANOS; RIGHT?

10:18AM 7 A. YES.

10:18AM 8 Q. AND SO YOU, DAN EDLIN, COULD NOT SHIP THAT DEVICE UNTIL IT

10:19AM 9 WAS FULLY FINALIZED FROM AN I.T. PERSPECTIVE; RIGHT?

10:19AM 10 A. RIGHT.

10:19AM 11 Q. AMONG OTHER THINGS, IF ANYTHING ELSE NEEDED TO BE DONE;

10:19AM 12 CORRECT?

10:19AM 13 A. CORRECT.

10:19AM 14 Q. SO LET'S GO TO PAGE 1. THIS IS FROM DR. SOMMER TO YOU,

10:19AM 15 FEBRUARY 27TH, 2013.

10:19AM 16 AND DR. SOMMER SAYS, "DANIEL:

10:19AM 17 "THINGS AT DOD ARE REALLY GETTING MESSED UP WITH THE

10:19AM 18 UPCOMING SEQUESTRATION."

10:19AM 19 AND WHAT WAS YOUR UNDERSTANDING OF WHAT THE SEQUESTRATION

10:19AM 20 WAS?

10:19AM 21 A. I DON'T RECALL.

10:19AM 22 Q. SEQUESTRATION, IT WAS THE GOVERNMENT NOT HAVING MONEY AT

10:19AM 23 THE TIME TO DEVOTE TO PROJECTS.

10:19AM 24 IS THAT FAIR?

10:19AM 25 A. YES.

10:19AM 1 Q. AND DO YOU RECALL THAT HAPPENING IN CONNECTION WITH THE  
10:19AM 2 CENTCOM PROJECT?

10:19AM 3 A. YES.

10:19AM 4 Q. AND HE SAYS, "THIS WILL AFFECT HOW WE DO THE UPCOMING LOE.  
10:20AM 5 IF THE DEVICE IS NOT SHIPPED SOON, THE GOVERNMENT FOLKS LIKE  
10:20AM 6 MYSELF WILL NOT BE ABLE TO TRAVEL TO THEATER."

10:20AM 7 DO YOU SEE THAT?

10:20AM 8 A. YES.

10:20AM 9 Q. OKAY. AND THEN YOU WRITE BACK TO HIM SAYING, "MR. SOMMER,  
10:20AM 10 "ANY ADDITIONAL INFORMATION YOU MAY HAVE ON HOW THE  
10:20AM 11 SEQUESTRATION WILL AFFECT THE LOE WILL BE VERY USEFUL,  
10:20AM 12 PARTICULARLY IF THERE ARE ANY FIRM DATES BY WHICH YOU WOULD  
10:20AM 13 NEED THE DEVICES SHIPPED IN ORDER FOR YOU AND OTHER GOVERNMENT  
10:20AM 14 FOLKS TO BE ABLE TO TRAVEL TO THEATER.

10:20AM 15 "REGARDING THE STATUS OF OUR SHIPMENT, PLEASE SEE BELOW  
10:20AM 16 FOR AN UPDATE. THIS SHOULD PROVIDE SOME INSIGHT INTO WHAT IS  
10:20AM 17 DRIVING OUR SHIPMENT TIMELINES AS WE WORK TOWARD FINALIZING AN  
10:20AM 18 EXACT DATE."

10:20AM 19 AND THEN YOU SAY, "AS PER OUR PREVIOUS DISCUSSIONS, THE 4S  
10:20AM 20 DEVICES THAT WE ARE SHIPPING HAVE BEEN SPECIALLY BUILT FOR THE  
10:20AM 21 PURPOSES OF OUR LOE. IN SO DOING, WE HAVE HAD TO REVALIDATE  
10:21AM 22 AND RETEST EVERY ASPECT OF THE DEVICE CONFIGURATION TO ENSURE  
10:21AM 23 THAT THESE SYSTEMS MEET OUR STANDARDS AND EXPECTATIONS."

10:21AM 24 DO YOU SEE THAT?

10:21AM 25 A. YES.

10:21AM 1 Q. AND THE DEVICE WAS REBUILT; RIGHT? IT WAS MADE SMALLER;  
10:21AM 2 CORRECT?  
10:21AM 3 A. CORRECT.  
10:21AM 4 Q. AND LIGHTER; RIGHT?  
10:21AM 5 A. RIGHT.  
10:21AM 6 Q. AND THE I.T. CONFIGURATIONS INSIDE OF THE DEVICE WERE  
10:21AM 7 CHANGED; RIGHT?  
10:21AM 8 A. RIGHT.  
10:21AM 9 Q. AND OTHER ASPECTS OF THE DEVICE CHANGED; CORRECT?  
10:21AM 10 A. CORRECT.  
10:21AM 11 Q. NOW, IF YOU GO DOWN ALMOST TO THE BOTTOM OF THAT PARAGRAPH  
10:21AM 12 YOU SAY, "THESE PROCESSES HAVE GUIDED OUR DELIVERY TIMELINES;  
10:21AM 13 WE HAVE BEEN ALLOCATING ALL OF THE RESOURCES WE CAN TO THIS  
10:21AM 14 PROJECT IN PARALLEL WITH OUR COMPANY'S COMMERCIAL LAUNCH."  
10:21AM 15 THAT WAS THE WALGREENS LAUNCH; RIGHT?  
10:21AM 16 A. YES.  
10:21AM 17 Q. AND THAT WAS HAPPENING AT THE SAME TIME OR ABOUT TO  
10:21AM 18 HAPPEN; RIGHT?  
10:21AM 19 A. LATER THAT YEAR.  
10:21AM 20 Q. RIGHT. BUT YOU WERE PREPARING FOR IT AT THE TIME; RIGHT?  
10:21AM 21 A. YES.  
10:21AM 22 Q. AND IT WAS A LOT OF WORK; RIGHT?  
10:21AM 23 A. YES.  
10:21AM 24 Q. AND CONTINUING ON.  
10:21AM 25 "AS A RAPIDLY GROWING COMPANY, WE ARE MANAGING THESE

10:21AM 1 TIMELINES AS BEST AS POSSIBLE WHILE MAKING SURE THAT THE  
10:21AM 2 INTEGRITY OF OUR PRODUCTS AND PROGRAM GOALS ARE NOT  
10:22AM 3 COMPROMISED."

10:22AM 4 OKAY. WE CAN TAKE THAT DOWN.

10:22AM 5 IF WE CAN LOOK AT 1027 WHICH IS IN EVIDENCE AND THE  
10:22AM 6 GOVERNMENT PUBLISHED.

10:22AM 7 AND IF WE CAN LOOK AT THAT, YOUR HONOR?

10:22AM 8 THE COURT: YES.

10:22AM 9 BY MS. WALSH:

10:22AM 10 Q. AND YOU CAN LOOK AT THAT ON YOUR SCREEN, MR. EDLIN.

10:22AM 11 OKAY. IF WE GO TO THE EMAIL ON PAGE 5. THIS WAS AN EMAIL  
10:22AM 12 THAT THE GOVERNMENT SHOWED YOU. IT WAS FROM MARTIN DRAKE, THE  
10:22AM 13 CHIEF SCIENCE AND TECHNOLOGY COMMAND SCIENCE ADVISOR.

10:23AM 14 DO YOU SEE THAT?

10:23AM 15 A. YES.

10:23AM 16 Q. AND MR. DRAKE WAS SENDING AN EMAIL TO MS. HOLMES SAYING --  
10:23AM 17 INTRODUCING HIMSELF. AND THE LAST SENTENCE OF THAT FIRST  
10:23AM 18 PARAGRAPH HE IS SAYING, "FUNDING IS EXPIRING AND PERSONNEL ARE  
10:23AM 19 BEING RE-DIRECTED TO OTHER ONGOING PROJECTS."

10:23AM 20 DO YOU SEE THAT?

10:23AM 21 A. YES.

10:23AM 22 Q. AND THEN YOU WROTE BACK TO MR. DRAKE AND SAID, "THANK YOU  
10:23AM 23 VERY MUCH FOR YOUR NOTE, AND WE APPRECIATE ALL OF THE WORK THAT  
10:23AM 24 YOU AND YOUR TEAM HAVE BEEN DOING TO SUPPORT OUR TEST EFFORTS  
10:23AM 25 WITH U.S. CENTCOM. WE HAVE PUT A SIGNIFICANT AMOUNT OF

10:23AM 1 RESOURCES AND INVESTED HEAVILY IN PREPARING FOR THIS  
10:23AM 2 DEPLOYMENT, AND HAVE BEEN CUSTOMIZING BOTH OUR EQUIPMENT AND  
10:23AM 3 TECHNOLOGY TO MEET THE SPECIFIC REQUIREMENTS OF OUR LOE AND THE  
10:23AM 4 IRB WE HAVE IN PLACE FOR THIS. WE REMAIN FOCUSSED ON BEING  
10:23AM 5 ABLE TO PROVIDE YOU WITH AN INFRASTRUCTURE THAT CAN ADDRESS  
10:23AM 6 MANY OF THE UNMET MEDICAL NEEDS FACED IN THEATER."

10:23AM 7 DO YOU SEE THAT?

10:23AM 8 A. YES.

10:23AM 9 Q. OKAY. AND THEN IF WE CAN GO UP TO ANOTHER EMAIL THAT YOU  
10:24AM 10 SEND ON PAGE 3 TO MR. DRAKE. YOU SAY, "MR. DRAKE,

10:24AM 11 "THANK YOU FOR YOUR NOTE. WE HAVE BEEN WORKING TO  
10:24AM 12 DETERMINE A DATE IN LINE WITH YOUR QUESTION BELOW."

10:24AM 13 AND HIS QUESTION WAS PLEASE TELL ME WHEN YOU CAN SEND THE  
10:24AM 14 DEVICE; RIGHT?

10:24AM 15 A. RIGHT.

10:24AM 16 Q. YEAH. AND YOU SAY, "AS WE WANT TO MAKE SURE WE PROVIDE  
10:24AM 17 YOU WITH TIMELINES THAT WE CAN DEFINITELY PLAN TOWARD IN THE  
10:24AM 18 CONTEXT OF OBLIGATIONS WE HAVE PREVIOUSLY COMMITTED OURSELVES  
10:24AM 19 TO AS A COMPANY."

10:24AM 20 DO YOU SEE THAT?

10:24AM 21 A. YES.

10:24AM 22 Q. AND THOSE OBLIGATIONS WERE THE CONTRACTS WITH WALGREENS;  
10:24AM 23 RIGHT?

10:24AM 24 A. RIGHT.

10:24AM 25 Q. TO DO A RETAIL ROLLOUT; CORRECT?

10:24AM 1 A. CORRECT.

10:24AM 2 Q. FOR CONSUMER PATIENT BLOOD TESTING IN WALGREENS; RIGHT?

10:24AM 3 A. RIGHT.

10:24AM 4 Q. OKAY. WE CAN TAKE THAT DOWN IS.

10:25AM 5 OKAY. SO JUST GENERALLY REGARDING THESE MILITARY

10:25AM 6 PROJECTS, YOU WORKED HARD ON THESE PROJECTS; RIGHT?

10:25AM 7 A. RIGHT.

10:25AM 8 Q. YOU WANTED TO SEE THEM GET ACCOMPLISHED; RIGHT?

10:25AM 9 A. RIGHT.

10:25AM 10 Q. YOU SENT DEVICES TO SOCOM; RIGHT?

10:25AM 11 A. RIGHT.

10:25AM 12 Q. YOU SENT A DEVICE TO AFRICOM; CORRECT?

10:25AM 13 A. CORRECT.

10:25AM 14 Q. YOU SENT DEVICES TO HOSPITALS IN CONNECTION WITH THE BURN

10:25AM 15 STUDY; RIGHT?

10:25AM 16 A. RIGHT.

10:25AM 17 Q. YOU WERE DOING EVERYTHING YOU COULD TO MAKE THESE PROJECTS

10:25AM 18 SUCCEED; CORRECT?

10:25AM 19 A. YES.

10:25AM 20 Q. BUT THERE WERE CERTAIN THINGS OUT OF YOUR CONTROL THAT

10:25AM 21 GOT -- THAT INTERRUPTED THAT PROGRESS; CORRECT?

10:25AM 22 A. CORRECT.

10:25AM 23 Q. THERE WAS THE SEQUESTRATION ON THE MILITARY END; RIGHT?

10:25AM 24 A. RIGHT.

10:25AM 25 Q. AND THERE WAS THE WALGREENS LAUNCH ON THERANOS'S END;

10:25AM 1 RIGHT?

10:25AM 2 A. RIGHT.

10:25AM 3 Q. AND RESOURCES DID NEED TO BE ALLOCATED TO -- THERANOS

10:26AM 4 COULDN'T DO EVERYTHING ALL AT ONCE; IS THAT FAIR?

10:26AM 5 A. YES.

10:26AM 6 Q. AND IT HAD A CONTRACT WITH WALGREENS; RIGHT?

10:26AM 7 A. RIGHT.

10:26AM 8 Q. AND IT HAD TO LIVE UP TO THAT CONTRACT; RIGHT?

10:26AM 9 A. RIGHT.

10:26AM 10 Q. AND THAT CONTRACT INVOLVED AN EXTENSIVE AND LABOR

10:26AM 11 INTENSIVE RETAIL ROLLOUT; IS THAT FAIR?

10:26AM 12 A. YES.

10:26AM 13 Q. OKAY.

10:26AM 14 SO I WANT TO NEXT TALK TO YOU ABOUT YOUR WORK IN

10:26AM 15 CONNECTION WITH PHARMACEUTICAL COMPANIES. OKAY?

10:26AM 16 A. OKAY.

10:26AM 17 Q. AND YOU TESTIFIED ON DIRECT THAT PART OF YOUR JOB WAS TO

10:26AM 18 SUPPORT THERANOS'S RELATIONSHIP WITH PHARMA COMPANIES; RIGHT?

10:26AM 19 A. RIGHT.

10:26AM 20 Q. AND THERANOS HAD SOME OF THOSE RELATIONSHIPS BEFORE YOU

10:26AM 21 BEGAN AT THERANOS; CORRECT?

10:26AM 22 A. I BELIEVE IT WAS ALL OF THEM.

10:26AM 23 Q. ALL OF THEM.

10:26AM 24 A. YES.

10:26AM 25 Q. OKAY. SOME OF THEM CONTINUED AFTER THE WALGREENS LAUNCH;



10:26AM 1 RIGHT?

10:26AM 2 A. I'M NOT SURE.

10:27AM 3 Q. OKAY. WELL, WE'RE GOING TO LOOK AT SOME DOCUMENTS AND YOU

10:27AM 4 CAN LET US KNOW.

10:27AM 5 A. OKAY.

10:27AM 6 Q. BUT BEFORE WE DO THAT, THOSE RELATIONSHIPS BETWEEN THE

10:27AM 7 PHARMACEUTICAL COMPANIES AND THERANOS WERE LED BY

10:27AM 8 ELIZABETH HOLMES; CORRECT?

10:27AM 9 A. CORRECT.

10:27AM 10 Q. MR. BALWANI WAS NOT INVOLVED IN THOSE RELATIONSHIPS AS FAR

10:27AM 11 AS YOU KNOW; RIGHT?

10:27AM 12 A. RIGHT.

10:27AM 13 Q. AND SHE WAS THE POINT PERSON FOR THE PEOPLE WITHIN THOSE

10:27AM 14 PHARMA COMPANIES; RIGHT?

10:27AM 15 A. RIGHT.

10:27AM 16 Q. AND WHATEVER YOU DID IN CONNECTION WITH THAT, YOU WERE

10:27AM 17 SUPERVISED BY HER; CORRECT?

10:27AM 18 A. CORRECT.

10:27AM 19 Q. AND SHE REVIEWED WHAT YOU DID; RIGHT?

10:27AM 20 A. RIGHT.

10:27AM 21 Q. SHE APPROVED WHAT YOU DID; CORRECT?

10:27AM 22 A. YES.

10:27AM 23 Q. OKAY. SO LET'S TAKE A LOOK AT 4018.

10:28AM 24 DO YOU SEE THAT DOCUMENT?

10:28AM 25 A. YES.

10:28AM 1 Q. THAT'S A MEETING INVITE; RIGHT?

10:28AM 2 A. YES.

10:28AM 3 Q. AND IT'S IN OCTOBER OF 2013?

10:28AM 4 A. YES.

10:28AM 5 Q. DID -- AND DO YOU SEE YOUR NAME DOWN IN THE MIDDLE THERE?

10:28AM 6 A. YES.

10:28AM 7 Q. OKAY. DOES THAT REFRESH YOUR RECOLLECTION AS TO THE

10:28AM 8 PHARMA RELATIONSHIPS CONTINUING PAST THE WALGREENS LAUNCH?

10:28AM 9 A. I DON'T REMEMBER THIS PARTICULAR MEETING, BUT I DO SEE  
10:28AM 10 THAT IT'S IN THE EMAIL.

10:28AM 11 Q. OKAY.

10:28AM 12 YOUR HONOR, WE OFFER 4018.

10:28AM 13 MR. BOSTIC: NO OBJECTION, YOUR HONOR. BUT I THINK  
10:28AM 14 THIS MAY BE BEYOND THE SCOPE OF DIRECT AND THE EVIDENCE IN THE  
10:28AM 15 CASE-IN-CHIEF.

10:28AM 16 MS. WALSH: YOUR HONOR, MR. EDLIN TESTIFIED THAT HE  
10:29AM 17 COORDINATED WITH PHARMA COMPANIES, AND THIS IS JUST A MEETING  
10:29AM 18 SHOWING THAT.

10:29AM 19 THE COURT: I'LL OVERRULE THE OBJECTION. THIS CAN  
10:29AM 20 BE ADMITTED AND PUBLISHED.

10:29AM 21 (GOVERNMENT'S EXHIBIT 4018 WAS RECEIVED IN EVIDENCE.)

10:29AM 22 BY MS. WALSH:

10:29AM 23 Q. AND SO THIS IS FROM SOMEONE FROM PFIZER, IS IT NOT,  
10:29AM 24 MR. EDLIN?

10:29AM 25 A. YES.

10:29AM 1 Q. AND A PERSON NAMED SALLY SKERRITT; RIGHT?

10:29AM 2 A. YES.

10:29AM 3 Q. AND THE SUBJECT IS THERANOS SITE VISIT?

10:29AM 4 A. YES.

10:29AM 5 Q. AND DO YOU SEE THE NAME CRAIGLIPSET@PFIZER.COM?

10:29AM 6 A. YES.

10:29AM 7 Q. AND DO YOU REMEMBER WHO THAT WAS?

10:29AM 8 A. I DO NOT.

10:29AM 9 Q. AND THE PEOPLE WHO WERE IN ATTENDANCE AT THIS MEETING FROM

10:29AM 10 THERANOS WERE MS. HOLMES; RIGHT?

10:29AM 11 A. I SEE THE NAMES ON THE MEETING INVITE, BUT I JUST DON'T

10:29AM 12 REMEMBER THE MEETING ITSELF.

10:29AM 13 Q. OKAY. FAIR ENOUGH.

10:30AM 14 YOU DON'T REMEMBER THE MEETING, BUT YOU SEE THREE NAMES

10:30AM 15 HERE, RIGHT, ON THIS DOCUMENT?

10:30AM 16 A. YES.

10:30AM 17 Q. AND THOSE THREE NAMES ARE MS. HOLMES; RIGHT?

10:30AM 18 A. RIGHT.

10:30AM 19 Q. CHRISTIAN HOLMES; CORRECT?

10:30AM 20 A. CORRECT.

10:30AM 21 Q. AND YOU; RIGHT?

10:30AM 22 A. RIGHT.

10:30AM 23 Q. AND FROM PFIZER YOU SEE AT THE BOTTOM THE NAME

10:30AM 24 CRAIG LIPSET; RIGHT?

10:30AM 25 A. YES.

10:30AM 1 Q. AND IT SAYS SENIOR DIRECTOR OF CLINICAL INNOVATION.

10:30AM 2 DO YOU SEE THAT?

10:30AM 3 A. YES.

10:30AM 4 Q. AND THERE ARE SOME OTHER PEOPLE FROM PFIZER ON THIS

10:30AM 5 DOCUMENT; RIGHT?

10:30AM 6 A. CORRECT.

10:30AM 7 Q. WE CAN TAKE THAT DOWN.

10:30AM 8 OKAY. TAKE A LOOK AT 20546.

10:31AM 9 A. OKAY.

10:31AM 10 Q. OKAY. DO YOU SEE THAT THIS IS AN EMAIL BETWEEN

10:31AM 11 MS. HOLMES, MR. BALWANI, MR. HOLMES, AND SOMEONE FROM PFIZER

10:31AM 12 ABOUT MEETING IN NOVEMBER OF 2013?

10:31AM 13 A. YES.

10:31AM 14 Q. OKAY.

10:31AM 15 YOUR HONOR, WE WOULD OFFER 20546?

10:31AM 16 MR. BOSTIC: NO OBJECTION.

10:31AM 17 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

10:31AM 18 (DEFENDANT'S EXHIBIT 20546 WAS RECEIVED IN EVIDENCE.)

10:31AM 19 BY MS. WALSH:

10:31AM 20 Q. IF WE TAKE A LOOK AT THE MIDDLE EMAIL, THERE'S A PERSON

10:32AM 21 NAMED MORTEN SOGAARD.

10:32AM 22 DO YOU SEE THAT?

10:32AM 23 A. YES.

10:32AM 24 Q. AND HE HAS A PFIZER EMAIL ADDRESS?

10:32AM 25 A. YES.

10:32AM 1 Q. AND DID YOU EVER DEAL WITH HIM?

10:32AM 2 A. I DON'T BELIEVE SO.

10:32AM 3 Q. OKAY. AND MR. SOGAARD IS EMAILING CHRISTIAN HOLMES AND HE

10:32AM 4 SAYS, "MY SINCERE APOLOGIES, I SHOULD HAVE CHECKED ON OUR SIDE

10:32AM 5 FIRST. I WILL FOLLOW UP TO MOVE THINGS ALONG ON OUR SIDE.

10:32AM 6 PLEASE TAKE MY MAIL AS AN EXPRESSION OF INTEREST AND EXCITEMENT

10:32AM 7 WITH YOUR TECHNOLOGY AND ASPIRATIONS THAT WE CAN MOVE FORWARD

10:32AM 8 WITH DISCUSSIONS AND HOPEFULLY A PARTNERSHIP.

10:32AM 9 "THANK YOU ALSO FOR CHECKING REGARDING THE PROPOSED

10:32AM 10 MEETING. THAT COULD BE AN EXCELLENT OPPORTUNITY TO FURTHER

10:32AM 11 ENGAGE PFIZER SENIOR MANAGEMENT."

10:32AM 12 DO YOU SEE THAT?

10:32AM 13 A. YES.

10:32AM 14 Q. AND THEN MS. HOLMES WRITES BACK SAYING, "MORTEN:

10:32AM 15 "THANKS FOR THIS. WE WOULD LOOK FORWARD TO MEETING WITH

10:32AM 16 YOUR PRESIDENT OF R&D AT JP MORGAN."

10:32AM 17 DO YOU SEE THAT?

10:33AM 18 A. YES.

10:33AM 19 Q. OKAY. WERE YOU AWARE THAT PFIZER AND THERANOS SIGNED A

10:33AM 20 CONFIDENTIAL DISCLOSURE AGREEMENT IN DECEMBER OF 2013?

10:33AM 21 A. I DON'T RECALL THAT.

10:33AM 22 Q. OKAY. TURN TO 20453.

10:33AM 23 A. OKAY.

10:33AM 24 Q. DO YOU SEE THAT DOCUMENT?

10:33AM 25 A. YES.

10:33AM 1 Q. DOES THAT REFRESH YOUR RECOLLECTION AS TO WHETHER A  
10:33AM 2 CONFIDENTIAL DISCLOSURE AGREEMENT WAS SIGNED BY PFIZER AND  
10:33AM 3 THERANOS IN DECEMBER OF 2013?  
10:34AM 4 A. I SEE THAT THIS WAS SIGNED AT THAT TIME, BUT I DON'T HAVE  
10:34AM 5 A RECOLLECTION OF IT.  
10:34AM 6 Q. OKAY.  
10:34AM 7 A. I PERSONALLY DON'T HAVE A RECOLLECTION OF IT.  
10:34AM 8 Q. OKAY. OKAY. YOU CAN PUT THAT ASIDE.  
10:34AM 9 OKAY. JUST ONE MORE PFIZER DOCUMENT I WANT TO SHOW YOU,  
10:34AM 10 AND THAT IS 20542. TAKE A LOOK AT THAT.  
10:35AM 11 DO YOU SEE THAT?  
10:35AM 12 A. YES.  
10:35AM 13 Q. AND THAT'S AN EMAIL CHAIN OF FEBRUARY 2015.  
10:35AM 14 DO YOU SEE THAT?  
10:35AM 15 A. YES.  
10:35AM 16 Q. AND MR. BLICKMAN IS ON THAT EMAIL, IS THAT RIGHT, IN THE  
10:35AM 17 MIDDLE EMAIL?  
10:35AM 18 A. YES.  
10:35AM 19 Q. OKAY. AND WAS MR. BLICKMAN INVOLVED IN ALSO DOING SOME  
10:35AM 20 COORDINATING WORK IN CONNECTION WITH THE PHARMA COMPANIES?  
10:35AM 21 A. I DON'T BELIEVE SO.  
10:35AM 22 Q. OKAY. SO DOES THAT REFRESH YOUR RECOLLECTION AS TO  
10:35AM 23 MEETINGS THAT THERANOS WAS HAVING WITH PFIZER IN CONNECTION  
10:35AM 24 WITH WALGREENS?  
10:35AM 25 A. IT DOES NOT REFRESH MY PERSONAL RECOLLECTION.

10:36AM 1 Q. OKAY. DO YOU REMEMBER THAT THERE WAS A MOVE TO HAVE  
10:36AM 2 PHARMACEUTICAL BLOOD TESTING FOR PEOPLE WHO WERE PARTICIPANTS  
10:36AM 3 IN STUDIES IN WALGREENS?  
10:36AM 4 DO YOU REMEMBER THAT?  
10:36AM 5 A. CAN YOU BE MORE SPECIFIC?  
10:36AM 6 Q. SURE.  
10:36AM 7 SO THERANOS HAD PREVIOUSLY PARTNERED WITH PHARMA  
10:36AM 8 COMPANIES; RIGHT?  
10:36AM 9 A. RIGHT.  
10:36AM 10 Q. AND IN THOSE PARTNERSHIPS, THERANOS PROVIDED BLOOD TESTING  
10:36AM 11 FOR PATIENTS WHO PARTICIPATED IN PHARMA STUDIES; RIGHT?  
10:36AM 12 A. RIGHT.  
10:36AM 13 Q. AND THOSE PATIENTS MIGHT GET THEIR BLOOD TESTED AT THE  
10:36AM 14 PHARMA COMPANY; RIGHT?  
10:36AM 15 A. RIGHT.  
10:36AM 16 Q. OR SOMETIMES IN THEIR HOMES; CORRECT?  
10:36AM 17 A. RIGHT.  
10:36AM 18 Q. AND THERE WAS AN IDEA THAT THERANOS WAS SPEAKING WITH  
10:37AM 19 PHARMA COMPANIES ABOUT MOVING THAT BLOOD TESTING, THE LOCATION  
10:37AM 20 OF THAT BLOOD TESTING TO WALGREENS; RIGHT?  
10:37AM 21 A. RIGHT.  
10:37AM 22 Q. AND PHARMA PATIENTS WHO WERE IN STUDIES COULD GO INTO THE  
10:37AM 23 WALGREENS TO GET THEIR BLOOD TESTED THAT WOULD BE USED FOR THE  
10:37AM 24 STUDY.  
10:37AM 25 DO YOU REMEMBER THAT?

10:37AM 1 A. YES.

10:37AM 2 Q. OKAY. AND NOW, WHEN YOU LOOK AT THIS EMAIL IN 2015, DOES

10:37AM 3 THAT REFRESH YOUR RECOLLECTION AS TO THAT BEING DISCUSSED

10:37AM 4 DURING THAT TIME PERIOD?

10:37AM 5 A. YES.

10:37AM 6 MS. WALSH: YOUR HONOR, WE OFFER 20542.

10:37AM 7 MR. BOSTIC: HEARSAY AND FOUNDATION, YOUR HONOR.

10:37AM 8 THE COURT: SUSTAINED.

10:38AM 9 BY MS. WALSH:

10:38AM 10 Q. LET'S TAKE A LOOK AT 20544.

10:38AM 11 DO YOU SEE THAT DOCUMENT?

10:38AM 12 A. YES.

10:38AM 13 Q. AND THIS IS A DOCUMENT THAT YOU'RE ON; RIGHT?

10:38AM 14 A. YES.

10:38AM 15 Q. OKAY. AND MR. BALWANI IS ON THIS ONE; RIGHT?

10:38AM 16 A. YES.

10:38AM 17 Q. AND MS. HOLMES; CORRECT?

10:38AM 18 A. YES.

10:38AM 19 Q. AND DR. YOUNG; RIGHT?

10:38AM 20 A. YES.

10:38AM 21 Q. AND THE BOTTOM EMAIL IS WITH SOMEONE FROM GSK.

10:38AM 22 DO YOU SEE THAT?

10:38AM 23 A. YES.

10:38AM 24 Q. AND THIS IS IN MARCH OF 2012.

10:38AM 25 DO YOU SEE THAT?



10:38AM 1  
10:38AM 2  
10:38AM 3  
10:38AM 4  
10:38AM 5  
10:38AM 6  
10:38AM 7  
10:38AM 8  
10:38AM 9  
10:39AM 10  
10:39AM 11  
10:39AM 12  
10:39AM 13  
10:39AM 14  
10:39AM 15  
10:39AM 16  
10:39AM 17  
10:39AM 18  
10:39AM 19  
10:39AM 20  
10:39AM 21  
10:39AM 22  
10:39AM 23  
10:39AM 24  
10:39AM 25

A. YES.

MS. WALSH: YOUR HONOR, WE OFFER 20544.

MR. BOSTIC: NO OBJECTION.

THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

(DEFENDANT'S EXHIBIT 20544 WAS RECEIVED IN EVIDENCE.)

BY MS. WALSH:

Q. OKAY. IF WE LOOK AT THE BOTTOM EMAIL, THIS PERSON FROM GSK YANNICK VERNAEVES-SCHOEN IS EMAILING YOU, AND HE SAID, "LET ME INTRODUCE MYSELF AS THE CONTRACT MANAGER, IN CHARGE OF SETTING UP ALL CONTRACT AGREEMENT FOR GSK -- GVCL PARTNERSHIP ACTIVITIES.

"I HAVE BEEN REQUESTED TO ISSUE A MASTER LABORATORY SERVICE AGREEMENT (MLSA) COVERING FUTURE ACTIVITIES BETWEEN GSK AND YOUR LAB.

"CAN I PLEASE ASK YOU TO REVIEW ATTACHED DOCUMENTS AND REVERT TO ME WITH ANY COMMENTS YOU MAY HAVE SO THAT WE CAN MOVE FURTHER INTO CONTRACT DISCUSSION?"

DO YOU SEE THAT?

A. YES.

Q. AND THEN YOU EMAIL BACK AND YOU SAY, "HI ALL,

"I HAVE ATTACHED THE PROPOSED AGREEMENT FOR OUR UPCOMING CLINICAL TRIAL WITH GSK STARTING JULY 1ST."

DO YOU SEE THAT?

A. YES.

Q. OKAY. AND THIS IS MARCH 12TH, 2012; RIGHT?

10:39AM 1

A. YES.

10:39AM 2

Q. SO LET'S NOW TURN TO 20545.

10:40AM 3

A. OKAY.

10:40AM 4

Q. OKAY. AND IS THIS A MEETING INVITE FOR DISCUSSION BETWEEN

10:40AM 5

GSK AND THERANOS, INCLUDING YOU, REGARDING A CONFIDENTIALITY

10:40AM 6

AGREEMENT?

10:40AM 7

A. YES.

10:40AM 8

Q. AND THAT'S IN CONNECTION WITH THE GSK-THERANOS

10:40AM 9

RELATIONSHIP; IS THAT RIGHT?

10:40AM 10

A. YES.

10:40AM 11

MS. WALSH: YOUR HONOR, WE OFFER 20545.

10:40AM 12

MR. BOSTIC: NO OBJECTION.

10:40AM 13

THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

10:40AM 14

(DEFENDANT'S EXHIBIT 20545 WAS RECEIVED IN EVIDENCE.)

10:40AM 15

BY MS. WALSH:

10:40AM 16

Q. OKAY. LET'S TAKE A LOOK AT THE TEXT AT THE BOTTOM UNDER

10:40AM 17

ATTENDEES IT SAYS, "DEARS" -- AND THIS IS A TEXT FROM GSK;

10:40AM 18

CORRECT?

10:41AM 19

A. YES.

10:41AM 20

Q. "DEARS, WE HAVE BEEN ENGAGED LATELY IN EMAIL CHANGES TO

10:41AM 21

SET-UP A CDA BETWEEN OUR COMPANIES. DUE TO TIGHT TIME

10:41AM 22

CONSTRAINTS, AND BECAUSE THE CDA IS THE LIMITING FACTOR FOR

10:41AM 23

FURTHER IMPORTANT DISCUSSIONS, WE WOULD LIKE TO HAVE THIS CDA

10:41AM 24

FINAL BY WEEK 14."

10:41AM 25

DO YOU SEE THAT?

10:41AM 1 A. YES.

10:41AM 2 Q. AND THE CDA IS THE CONFIDENTIALITY AGREEMENT; RIGHT?

10:41AM 3 A. RIGHT.

10:41AM 4 Q. AND SO THE TWO COMPANIES COULD TALK FREELY WITH ONE

10:41AM 5 ANOTHER?

10:41AM 6 A. CORRECT.

10:41AM 7 Q. AND THEN IT SAYS, "TO ACHIEVE THIS, A TC --" TELEPHONE

10:41AM 8 CALL; RIGHT?

10:41AM 9 A. RIGHT.

10:41AM 10 Q. "-- IS PRESUMABLY THE MOST EFFICIENT WAY FROM NOW TO

10:41AM 11 DISCUSS TOWARD A FINAL AGREEMENT."

10:41AM 12 DO YOU SEE THAT?

10:41AM 13 A. YES.

10:41AM 14 Q. OKAY. AND THIS IS IN APRIL 2012; RIGHT?

10:41AM 15 A. RIGHT.

10:41AM 16 Q. OKAY. YOU CAN TAKE THAT DOWN.

10:42AM 17 ALL RIGHT. NEXT I WANT TO SHIFT GEARS TO THE FDA APPROVAL

10:42AM 18 THAT THERANOS GOT ON ITS HSV I ASSAY.

10:42AM 19 DO YOU REMEMBER THAT?

10:42AM 20 A. YES.

10:42AM 21 Q. AND THE FDA, JUST FOR SOME CONTEXT, THE FDA IS THE FEDERAL

10:42AM 22 REGULATOR FOR ALL MEDICAL DEVICES; RIGHT?

10:42AM 23 A. I BELIEVE SO.

10:42AM 24 Q. AND FDA CLEARANCE IS A BIG DEAL TO GET ON A MEDICAL

10:42AM 25 DEVICE; RIGHT?

10:42AM 1

A. YES.

10:42AM 2

Q. AND IT TAKES A LOT OF WORK TO GET IT; CORRECT?

10:42AM 3

MR. BOSTIC: OBJECTION. FOUNDATION.

10:42AM 4

THE COURT: WOULD YOU LAY A FOUNDATION FOR HIS

10:42AM 5

KNOWLEDGE.

10:42AM 6

MS. WALSH: SURE.

10:42AM 7

Q. SO YOU WERE AT THE COMPANY IN 2013 THROUGH '15; RIGHT?

10:42AM 8

A. YES.

10:42AM 9

Q. AND YOU WERE AWARE THAT THE SCIENTISTS IN THE R&D LAB WERE

10:42AM 10

WORKING ON GETTING FDA APPROVAL FOR ASSAYS THEY WERE

10:43AM 11

DEVELOPING; RIGHT?

10:43AM 12

A. IN WHAT TIME PERIOD?

10:43AM 13

Q. 2015.

10:43AM 14

A. YES.

10:43AM 15

Q. OKAY. AND YOU OBSERVED -- YOU DIDN'T WORK SIDE BY SIDE

10:43AM 16

WITH THEM; RIGHT?

10:43AM 17

A. CORRECT.

10:43AM 18

Q. BUT DID YOU HAVE SOME AWARENESS OF HOW MUCH WORK THEY WERE

10:43AM 19

PUTTING IN TO APPLY FOR FDA APPROVAL?

10:43AM 20

A. YES.

10:43AM 21

Q. AND HOW MUCH WORK WAS THAT?

10:43AM 22

A. A LOT OF WORK.

10:43AM 23

Q. OKAY.

10:43AM 24

A. THEY WERE WORKING VERY HARD.

10:43AM 25

Q. AND THERANOS FINALLY GOT FDA APPROVAL FOR ONE OF ITS

10:43AM 1 ASSAYS; RIGHT?

10:43AM 2 A. YES.

10:43AM 3 Q. AND THAT WAS THE HSV I ASSAY; CORRECT?

10:43AM 4 A. CORRECT.

10:43AM 5 Q. AND THE APPROVAL WAS NOT JUST FOR THE ASSAY ITSELF, BUT IT

10:43AM 6 WAS ALSO ON THE DEVICE IT RAN ON; RIGHT?

10:43AM 7 A. YES.

10:43AM 8 Q. AND FOR THE NANOTAINER THAT COLLECTED THE BLOOD; RIGHT?

10:44AM 9 A. YES.

10:44AM 10 Q. AND SO TURN IN YOUR BINDER TO 13988.

10:44AM 11 DO YOU SEE THAT?

10:44AM 12 A. YES.

10:44AM 13 Q. OKAY. IS THAT AN EMAIL FROM MS. HOLMES TO ALL THERANOS

10:44AM 14 EMPLOYEES?

10:44AM 15 A. YES.

10:44AM 16 Q. AND IT'S ON JULY 2ND, 2015; RIGHT?

10:44AM 17 A. YES.

10:44AM 18 Q. AND YOU WERE EMPLOYED AT THERANOS AT THE TIME; RIGHT?

10:44AM 19 A. YES.

10:44AM 20 Q. AS WAS MR. BALWANI; CORRECT?

10:44AM 21 A. YES.

10:44AM 22 MS. WALSH: WE OFFER 13988.

10:44AM 23 MR. BOSTIC: NO OBJECTION.

10:44AM 24 THE COURT: IT'S ADMITTED. IT MAY BE PUBLISHED.

10:44AM 25 (DEFENDANT'S EXHIBIT 13988 WAS RECEIVED IN EVIDENCE.)

10:44AM 1 BY MS. WALSH:

10:44AM 2 Q. SO IT'S TO ALL THERANOS EMPLOYEES.

10:45AM 3 AND MS. HOLMES SAYS, "IT IS WITH INCREDIBLE PRIDE THAT I  
10:45AM 4 OFFICIALLY LET YOU KNOW THAT WE HAVE RECEIVED OUR FIRST FDA  
10:45AM 5 CLEARANCE ON OUR SYSTEM, AND THE FIRST LABORATORY DEVELOPED  
10:45AM 6 TEST WE HAVE FILED: HSV 1.

10:45AM 7 "JOIN ME IN OUR MEETING THIS AFTERNOON TO DISCUSS AND  
10:45AM 8 CELEBRATE TOGETHER. WE WILL BE LIVE STREAMING WITH ARIZONA,  
10:45AM 9 NEWARK, AND L.A."

10:45AM 10 DO YOU SEE THAT?

10:45AM 11 A. YES.

10:45AM 12 Q. OKAY. AND YOU REMEMBER, RIGHT, THAT THIS WAS AN  
10:45AM 13 INCREDIBLY HAPPY OCCASION AT THE COMPANY; RIGHT?

10:45AM 14 A. YES.

10:45AM 15 Q. THERE WAS A BIG PARTY; RIGHT?

10:45AM 16 A. RIGHT.

10:45AM 17 Q. WITH BALLOONS; CORRECT?

10:45AM 18 A. RIGHT.

10:45AM 19 Q. AND DANCING AND MUSIC; RIGHT?

10:45AM 20 A. RIGHT.

10:45AM 21 Q. AND THE ENTIRE -- ALL OF THE EMPLOYEES WERE IN ONE ROOM  
10:45AM 22 BEING ADDRESSED BY MS. HOLMES; RIGHT?

10:46AM 23 A. RIGHT.

10:46AM 24 Q. AND THAT ADDRESS WAS BEING LIVE STREAMED TO THE ARIZONA  
10:46AM 25 HEADQUARTERS OF THERANOS; RIGHT?

10:46AM 1 A. RIGHT.

10:46AM 2 Q. AND DURING THAT MEETING, MS. HOLMES MADE A PRESENTATION

10:46AM 3 ABOUT THE FDA CLEARANCE; CORRECT?

10:46AM 4 A. YES.

10:46AM 5 Q. AND SHE KIND OF EXPLAINED HOW IT CAME ABOUT; RIGHT?

10:46AM 6 A. YES.

10:46AM 7 Q. AND WHAT IT MEANT FOR THE COMPANY; CORRECT?

10:46AM 8 A. YES.

10:46AM 9 Q. SO TAKE A LOOK AT 20183.

10:46AM 10 A. OKAY.

10:46AM 11 Q. OKAY. AND YOU SEE THAT'S AN EMAIL FROM DANIEL YOUNG TO

10:46AM 12 YOU; RIGHT?

10:46AM 13 A. YES.

10:47AM 14 Q. AND IT ATTACHES A POWERPOINT PRESENTATION; RIGHT?

10:47AM 15 A. YES.

10:47AM 16 Q. AND THEN IF YOU LOOK AT THE PRESENTATION -- DO YOU SEE

10:47AM 17 THAT? YOU CAN JUST FLIP THROUGH IT.

10:47AM 18 A. YES.

10:47AM 19 Q. WAS DR. YOUNG EMAILING YOU A PRESENTATION FOR A POWERPOINT

10:47AM 20 FOR THAT MEETING?

10:47AM 21 A. YES.

10:47AM 22 Q. THAT IS WHERE MS. HOLMES SPOKE; RIGHT?

10:47AM 23 A. YES.

10:47AM 24 MS. WALSH: OKAY. WE OFFER 20183.

10:47AM 25 MR. BOSTIC: HEARSAY, YOUR HONOR, ALSO BEYOND THE

10:47AM 1 SCOPE.

10:47AM 2 THE COURT: THIS IS A LITTLE BEYOND THE SCOPE OF  
10:47AM 3 DIRECT.

10:47AM 4 MS. WALSH: RIGHT. IF I COULD ADDRESS THAT?

10:47AM 5 THE SCOPE OF THE DIRECT INVOLVED TESTIMONY ABOUT  
10:47AM 6 THERANOS'S TECHNOLOGY ALLEGEDLY NOT WORKING, ISSUES WITH  
10:48AM 7 DEVICES, THINGS BREAKING, AND PEOPLE BEING DISSATISFIED,  
10:48AM 8 INCLUDING CUSTOMERS THAT WE SAW IN VARIOUS EXHIBITS.

10:48AM 9 THIS IS FDA APPROVAL FOR THE THERANOS DEVICE ON AT LEAST  
10:48AM 10 ONE TEST, SO I THINK IT IS WITHIN THE SCOPE OF THE DIRECT.

10:48AM 11 THE COURT: WHAT DOES THE FDA APPROVAL HAVE TO DO  
10:48AM 12 WITH THE DEVICES BEING BROKEN OR HAVING PROBLEMS WITH THEM?

10:48AM 13 MS. WALSH: BECAUSE THE FDA REVIEWED THE DEVICE AND  
10:48AM 14 THE DATA AND THE OPERATION OF THE DEVICE, AND IT APPROVED IT AS  
10:48AM 15 RELIABLE AND PRODUCING ACCURATE TESTING INFORMATION.

10:48AM 16 THE COURT: IS THAT WHAT AN FDA APPROVAL IS?

10:48AM 17 MR. BOSTIC: I DON'T THINK THAT'S BEEN ESTABLISHED,  
10:48AM 18 YOUR HONOR. I THINK THAT'S ATTORNEY ARGUMENT.

10:48AM 19 THE COURT: I THINK THAT'S CORRECT. I DON'T THINK  
10:48AM 20 THAT'S IN EVIDENCE YET.

10:48AM 21 MS. WALSH: RIGHT.

10:48AM 22 SO AS FAR AS THE HEARSAY ISSUE, YOUR HONOR, MR. BALWANI  
10:48AM 23 WAS AT THIS PRESENTATION. SO IT GOES TO HIS STATE OF MIND AS  
10:49AM 24 TO THE VIABILITY OF THE THERANOS TECHNOLOGY.

10:49AM 25 THE COURT: WHY DON'T YOU LAY A FOUNDATION FOR THAT.



10:49AM 1 MS. WALSH: SURE.

10:49AM 2 Q. MR. EDLIN, I ASKED YOU ABOUT THIS CELEBRATION AND THE

10:49AM 3 MEETING WHERE MS. HOLMES SPOKE; RIGHT?

10:49AM 4 A. RIGHT.

10:49AM 5 Q. YOU WERE THERE; RIGHT?

10:49AM 6 A. YES.

10:49AM 7 Q. MANY OTHER EMPLOYEES; CORRECT?

10:49AM 8 A. CORRECT.

10:49AM 9 Q. AND MR. BALWANI WAS THERE DURING IT; RIGHT?

10:49AM 10 A. I BELIEVE HE WAS, YES.

10:49AM 11 Q. AND YOU WERE SITTING CLOSE BY TO HIM, WERE YOU NOT?

10:49AM 12 A. YES.

10:49AM 13 THE COURT: WAS THIS DISPLAYED --

10:49AM 14 MS. WALSH: FAIR ENOUGH, YOUR HONOR.

10:49AM 15 Q. AND A SLIDE DECK WAS DISPLAYED; RIGHT?

10:49AM 16 A. RIGHT.

10:49AM 17 Q. AND DID IT CONTAIN THE INFORMATION THAT IS IN THIS SLIDE

10:49AM 18 DECK? IF YOU COULD TAKE A LOOK AT IT, YEAH.

10:49AM 19 A. I BELIEVE IT DID.

10:49AM 20 Q. OKAY.

10:49AM 21 THE COURT: AND YOU'RE ASKING THAT THIS BE ADMITTED

10:49AM 22 ONLY FOR THE STATE OF MIND OF YOUR CLIENT THEN?

10:50AM 23 MS. WALSH: THAT'S RIGHT, YOUR HONOR.

10:50AM 24 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, THIS

10:50AM 25 WILL BE ADMITTED NOT FOR THE TRUTH OF THE MATTER ASSERTED IN

10:50AM 1 THE DOCUMENTS OR THE EMAILS, BUT SOLELY AS TO THE ISSUE OF THE  
10:50AM 2 STATE OF MIND OF MR. BALWANI AS TO NOTICE OF THE INFORMATION  
10:50AM 3 BUT NOT FOR ITS TRUTH. AND IT CAN BE ADMITTED WITH THAT  
10:50AM 4 LIMITATION AND PUBLISHED.

10:50AM 5 (DEFENDANT'S EXHIBIT 20183 WAS RECEIVED IN EVIDENCE.)

10:50AM 6 BY MS. WALSH:

10:50AM 7 Q. OKAY. IF WE CAN TURN IN THE SLIDE DECK TO PAGE 2.

10:50AM 8 A. OKAY.

10:50AM 9 Q. AND THIS SAYS, "THIS WAS A MAJOR MILESTONE FOR THERANOS  
10:50AM 10 AND NATIONAL PREVENTATIVE HEALTH CARE LANDSCAPE."

10:50AM 11 DO YOU SEE THAT?

10:50AM 12 A. YES.

10:50AM 13 Q. AND IT HAS PART OF THE ANNOUNCEMENT, "THERANOS TODAY  
10:51AM 14 ANNOUNCED THAT IT HAS RECEIVED THE U.S. FOOD AND DRUG  
10:51AM 15 ADMINISTRATION CLEARANCE OF ITS TEST SYSTEM AND TEST FOR HERPES  
10:51AM 16 SIMPLEX 1 VIRUS IGG."

10:51AM 17 DO YOU SEE THAT?

10:51AM 18 A. YES.

10:51AM 19 Q. AND THEN THE NEXT SLIDE SAYS, "THERANOS RECEIVES FDA  
10:51AM 20 CLEARANCE AND REVIEW AND VALIDATION OF REVOLUTIONARY  
10:51AM 21 FINGERSTICK TECHNOLOGY, TEST, AND ASSOCIATED TEST SYSTEM."

10:51AM 22 DO YOU SEE THAT?

10:51AM 23 A. YES.

10:51AM 24 Q. AND ON SLIDE 4, IT LISTS THE NUMBER OF CARTRIDGES RUN, THE  
10:51AM 25 MINUTES OF PROTOCOL TIME, THE DEVICES USED; RIGHT?

10:51AM 1 A. RIGHT.

10:51AM 2 Q. AND YOU SEE THIS APPROVAL WAS ON THE 4S DEVICE; RIGHT?

10:51AM 3 A. YES.

10:51AM 4 Q. AND THE 4S DEVICE IS THE DEVICE THAT WE TALKED ABOUT IN

10:51AM 5 CONNECTION WITH THE LATER MILITARY RELATIONSHIPS; RIGHT?

10:51AM 6 A. RIGHT.

10:51AM 7 Q. OKAY. AND THEN WE CAN GO FORWARD TO PAGE 15.

10:52AM 8 AND THIS JUST SHOWS ALL OF THE DIFFERENT PARTS OF THE

10:52AM 9 COMPANY THAT WORKED ON THIS FDA CLEARANCE.

10:52AM 10 DO YOU SEE THAT?

10:52AM 11 A. YES.

10:52AM 12 Q. AND SO -- YOU CAN PUT THAT ASIDE AND YOU CAN TAKE THAT

10:52AM 13 DOWN.

10:52AM 14 AND SO THIS WAS ANOTHER MAJOR PROJECT THAT WAS GOING ON IN

10:52AM 15 THE -- AT LEAST IN 2015, IF NOT 2014, TIMEFRAME AT THERANOS;

10:52AM 16 RIGHT?

10:52AM 17 A. RIGHT.

10:52AM 18 Q. AND IN ADDITION TO THE MILITARY RELATIONSHIPS; RIGHT?

10:52AM 19 A. IN AROUND -- I BELIEVE THEY -- IN 2015 THOSE HAD CEASED.

10:52AM 20 Q. OKAY. IT WAS IN ADDITION TO THE RETAIL LAUNCH; RIGHT?

10:52AM 21 A. RIGHT.

10:52AM 22 Q. WHICH WAS ONGOING; CORRECT?

10:52AM 23 A. CORRECT.

10:52AM 24 Q. AND IT WAS A LOT OF WORK THAT HAD TO BE DONE; CORRECT?

10:52AM 25 A. YES.

10:52AM 1 Q. OKAY. IF YOU CAN LOOK AT 2604?

10:53AM 2 THE COURT: IS THAT IN VOLUME 2?

10:53AM 3 MS. WALSH: YES.

10:53AM 4 THE WITNESS: 2604?

10:54AM 5 BY MS. WALSH:

10:54AM 6 Q. 2604. IT'S TUCKED IN THERE.

10:54AM 7 A. YEP. I HAVE THAT IN VOLUME 1.

10:54AM 8 Q. YOU HAVE IT?

10:54AM 9 A. I HAVE IT IN VOLUME 1, YES.

10:54AM 10 MS. WALSH: THANK YOU, YOUR HONOR.

10:54AM 11 Q. DO YOU SEE THAT?

10:54AM 12 A. YES.

10:54AM 13 Q. AND IS THAT THE FDA APPROVAL OF THE HSV 1 ASSAY?

10:54AM 14 A. I'M NOT SURE.

10:54AM 15 Q. OKAY. AND YOU WERE AWARE, MR. EDLIN, THAT -- I'LL WAIT

10:54AM 16 FOR YOU.

10:54AM 17 A. OKAY.

10:54AM 18 Q. YOU WERE AWARE THAT IN ADDITION TO THE FDA APPROVAL FOR

10:55AM 19 THE DEVICE, THERANOS ALSO GOT WHAT IS CALLED A CLIA WAIVER.

10:55AM 20 WERE YOU AWARE OF THAT?

10:55AM 21 A. IT SOUNDS FAMILIAR.

10:55AM 22 Q. OKAY. AND THE CLIA WAIVER ALLOWED THERANOS TO PUT THE

10:55AM 23 DEVICE INTO A STORE; RIGHT?

10:55AM 24 A. RIGHT.

10:55AM 25 Q. OR INTO AN AIRPORT; RIGHT?

10:55AM 1 A. RIGHT.

10:55AM 2 Q. DIFFERENT LOCATIONS OUTSIDE OF THERANOS; RIGHT?

10:55AM 3 A. RIGHT.

10:55AM 4 Q. AND CONDUCT BLOOD TESTING OUTSIDE OF THERANOS; CORRECT?

10:55AM 5 MR. BOSTIC: OBJECTION. FOUNDATION. CALLS FOR A

10:55AM 6 LEGAL CONCLUSION.

10:55AM 7 THE COURT: CAN YOU LAY A FOUNDATION.

10:55AM 8 MS. WALSH: I CAN MOVE ON FROM THIS, YOUR HONOR.

10:55AM 9 THE COURT: ALL RIGHT.

10:55AM 10 MS. WALSH: YEAH. OKAY.

10:55AM 11 THE COURT: SHOULD WE TAKE OUR BREAK NOW? DO YOU

10:55AM 12 HAVE MORE MATERIAL TO COVER?

10:55AM 13 MS. WALSH: I DON'T. I HAVE FIVE MINUTES.

10:55AM 14 THE COURT: OKAY. LET'S LET YOU FINISH THAT AND

10:55AM 15 THEN WE'LL TAKE OUR BREAK, LADIES AND GENTLEMEN.

10:55AM 16 BY MS. WALSH:

10:55AM 17 Q. OKAY. MR. EDLIN, SO WE WERE TALKING ABOUT

10:55AM 18 ELIZABETH HOLMES SPEAKING TO THE WHOLE COMPANY.

10:55AM 19 AND YOU TESTIFIED YESTERDAY ABOUT HER AGE; RIGHT?

10:56AM 20 THE GOVERNMENT ASKED YOU ABOUT HER AGE. DO YOU REMEMBER

10:56AM 21 THAT?

10:56AM 22 A. YES. YES.

10:56AM 23 Q. AND SHE WAS AN EXTREMELY -- IN YOUR OBSERVATIONS AND IN

10:56AM 24 YOUR INTERACTIONS WITH HER, SHE WAS AN EXTREMELY ENGAGING

10:56AM 25 SPEAKER, WAS SHE NOT?

10:56AM 1 A. YES.

10:56AM 2 Q. SHE COULD REALLY HOLD THE ROOM WHEN SHE WAS SPEAKING TO A

10:56AM 3 CROWD; CORRECT?

10:56AM 4 A. CORRECT.

10:56AM 5 Q. EVERYONE WAS LISTENING TO ELIZABETH HOLMES; RIGHT?

10:56AM 6 A. CORRECT.

10:56AM 7 Q. AND SHE HAD A COMMANDING VOICE; RIGHT?

10:56AM 8 A. YES.

10:56AM 9 Q. AND SHE ALSO HAD A COMMAND OF THE DETAILS OF WHAT WENT ON

10:56AM 10 INSIDE OF THE COMPANY; RIGHT?

10:56AM 11 A. YES.

10:56AM 12 Q. SHE UNDERSTOOD THE CHEMISTRIES INVOLVED IN THE ASSAYS;

10:56AM 13 RIGHT?

10:56AM 14 A. RIGHT.

10:56AM 15 Q. SHE UNDERSTOOD HOW THE DEVICES WORKED; CORRECT?

10:56AM 16 A. RIGHT.

10:56AM 17 Q. SHE WAS LISTED AS AN INVENTOR ON MANY OF THOSE PATENTS;

10:56AM 18 CORRECT?

10:56AM 19 A. CORRECT.

10:56AM 20 Q. AND EVEN ONE ON ONE, NOT IN FRONT OF A BIG CROWD, BUT EVEN

10:56AM 21 ONE ON ONE, YOU INTERACTED WITH HER A LOT; RIGHT?

10:56AM 22 A. RIGHT.

10:57AM 23 Q. AND SHE WAS EXTREMELY ENGAGING; IS THAT FAIR?

10:57AM 24 A. YES.

10:57AM 25 Q. AND IN YOUR ENTIRE TIME AT THERANOS, IN CONNECTION WITH

10:57AM 1 YOUR WORK WITH THE MILITARY, IN CONNECTION WITH YOUR WORK

10:57AM 2 REGARDING THE DEMOS, PUTTING TOGETHER INVESTOR PACKETS, TALKING

10:57AM 3 TO PEOPLE WHO WANTED TO KNOW ABOUT THERANOS, YOU NEVER THOUGHT

10:57AM 4 THAT YOU WERE DECEIVING OR PLAYING A TRICK ON ANYONE, DID YOU?

10:57AM 5 A. I DID NOT.

10:57AM 6 MS. WALSH: MAY I HAVE A MOMENT, YOUR HONOR?

10:57AM 7 THE COURT: YES.

10:57AM 8 (DISCUSSION AMONGST DEFENSE COUNSEL OFF THE RECORD.)

10:58AM 9 MS. WALSH: I HAVE NOTHING FURTHER, YOUR HONOR.

10:58AM 10 THE COURT: ALL RIGHT. THANK YOU.

10:58AM 11 MR. BOSTIC, WILL YOU HAVE REDIRECT?

10:58AM 12 MR. BOSTIC: I WILL, YOUR HONOR.

10:58AM 13 THE COURT: ALL RIGHT. LET'S TAKE OUR BREAK, LADIES

10:58AM 14 AND GENTLEMEN. WE'LL TAKE ABOUT A 20, 20 MINUTE BREAK, AND

10:58AM 15 THEN WE'LL CONTINUE WITH THE TESTIMONY.

10:55AM 16 (RECESS FROM 10:48 A.M. UNTIL 11:10 A.M.)

11:10AM 17 THE COURT: ALL RIGHT. PLEASE BE SEATED. THANK

11:10AM 18 YOU.

11:10AM 19 WE'RE BACK ON THE RECORD. ALL PARTIES PREVIOUSLY PRESENT

11:10AM 20 ARE PRESENT AGAIN.

11:10AM 21 MR. BOSTIC.

11:10AM 22 MR. BOSTIC: YES, YOUR HONOR. THANK YOU.

11:10AM 23 ///

11:10AM 24 ///

11:10AM 25 ///

**REDIRECT EXAMINATION**

BY MR. BOSTIC:

Q. GOOD MORNING, MR. EDLIN.

A. GOOD MORNING.

Q. I'D LIKE TO FOLLOW UP ON SOME OF THE TOPICS THAT YOU  
DISCUSSED WITH MR. BALWANI'S LAWYERS.

LET ME ASK YOU FIRST ABOUT THE TOPIC OF THE FDA'S DECISION  
REGARDING THE HSV TEST IN 2015.

DO YOU HAVE THAT TOPIC IN MIND?

A. YES.

Q. FIRST OF ALL, THAT HSV TEST, WHAT WAS THE HSV TEST?

A. HERPES SIMPLEX.

Q. DURING YOUR DISCUSSION WITH MS. WALSH, SHE USED THE TERM  
"APPROVAL" TO DESCRIBE WHAT THE FDA DID IN THAT CASE.

DO YOU RECALL THAT THE EXHIBIT THAT YOU REVIEWED WITH HER  
REFERRED INSTEAD TO A CLEARANCE?

A. I'D HAVE TO SEE IT AGAIN.

Q. LET ME JUST ASK YOU THIS, ARE YOU AWARE OF SIGNIFICANT  
DIFFERENCES BETWEEN AN FDA APPROVAL VERSUS AN FDA CLEARANCE?

A. I'M NOT SURE.

Q. OKAY. DID YOUR JOB AT THERANOS REQUIRE YOU TO UNDERSTAND  
THE DIFFERENCES BETWEEN AN FDA APPROVAL AND AN FDA CLEARANCE?

A. NO.

Q. THE FDA CLEARANCE FOR THE HERPES ASSAY IN 2015, FIRST OF  
ALL, WHAT MONTH IN 2015 DID THAT TAKE PLACE IF YOU RECALL?



11:11AM 1 A. I BELIEVE JULY.

11:11AM 2 Q. AND CAN YOU REMIND US WHEN THERANOS BEGAN OFFERING PATIENT

11:11AM 3 TESTING TO THE PUBLIC?

11:11AM 4 A. SEPTEMBER OF 2013.

11:12AM 5 Q. AND THE FDA CLEARANCE IN JULY 2015, ALMOST TWO YEARS AFTER

11:12AM 6 THERANOS BEGAN OFFERING PATIENT TESTING, WHAT DEVICE, WHAT

11:12AM 7 ANALYZER DID THAT RELATE TO?

11:12AM 8 A. THE 4S.

11:12AM 9 Q. AND WAS THE 4S ANALYZER EVER USED BY THERANOS FOR ACTUAL

11:12AM 10 PATIENT TESTING?

11:12AM 11 A. NO.

11:12AM 12 Q. THAT HERPES TEST, WAS THAT A TEST THAT THERANOS EVER RAN

11:12AM 13 ON THE EDISON THAT IT USED FOR PATIENT TESTING, IF YOU KNOW?

11:12AM 14 A. I DON'T KNOW.

11:12AM 15 Q. YOU MENTIONED DURING CROSS-EXAMINATION THAT THE MINILAB

11:12AM 16 DEVICE WAS NO LONGER IN PRODUCTION IN 2015; IS THAT CORRECT?

11:12AM 17 A. I DON'T RECALL SEEING THAT DEVICE IN 2015. I REMEMBER

11:13AM 18 JUST SEEING THE 4S.

11:13AM 19 Q. WAS IT YOUR UNDERSTANDING THAT AT SOME POINT IN THAT YEAR,

11:13AM 20 THE MINILAB WAS NO LONGER BEING PURSUED BY THERANOS?

11:13AM 21 A. YES.

11:13AM 22 Q. DURING YOUR TIME AT THE COMPANY, DID THE MINILAB EVER

11:13AM 23 REACH THE POINT WHERE IT WAS A FINISHED PRODUCT USED FOR

11:13AM 24 PATIENT TESTING?

11:13AM 25 A. NO.

11:13AM 1 Q. AND THERE WAS A POINT IN 2015 WHEN THE MINILAB WAS, BASED  
11:13AM 2 ON YOUR UNDERSTANDING, NO LONGER EVEN IN DEVELOPMENT TOWARDS  
11:13AM 3 THAT GOAL?

11:13AM 4 A. I DIDN'T HAVE THAT UNDERSTANDING OF WHAT WAS GOING ON, ON  
11:13AM 5 THE DEVELOPMENT SIDE.

11:13AM 6 Q. I'D LIKE TO TALK TO YOU A LITTLE BIT ABOUT THE  
11:13AM 7 DEMONSTRATIONS THAT YOU'VE TESTIFIED ABOUT.

11:13AM 8 WE'VE BEEN TALKING ABOUT THE EDISON VERSIONS USED FOR  
11:14AM 9 PATIENT TESTING VERSUS THE NEXT GENERATION DEVICES.

11:14AM 10 DO YOU RECALL THAT DISCUSSION?

11:14AM 11 A. YES.

11:14AM 12 Q. AND THE NEXT GENERATION DEVICES, THE MINILAB, THE  
11:14AM 13 4 SERIES, THE 4S, WERE ANY OF THOSE EVER USED FOR ACTUAL  
11:14AM 14 CLINICAL PATIENT TESTING AT THERANOS?

11:14AM 15 A. NO.

11:14AM 16 Q. WERE THERE OCCASIONS WHERE YOU WERE ASKED TO PUT THOSE  
11:14AM 17 NEXT GENERATION DEVICES IN CONFERENCE ROOMS FOR VIP MEETINGS  
11:14AM 18 AND DEMONSTRATIONS?

11:14AM 19 A. YES.

11:14AM 20 Q. YOU WERE ASKED ON CROSS-EXAMINATION WHETHER IN CONNECTION  
11:14AM 21 WITH THOSE DEMONSTRATIONS YOU PERSONALLY INTENDED TO DECEIVE  
11:14AM 22 ANYONE.

11:14AM 23 CAN YOU REMIND US WHAT YOUR ANSWER WAS?

11:14AM 24 A. I DID NOT.

11:14AM 25 Q. FOR THOSE MEETINGS WHERE THE VIP'S WOULD MEET IN

11:14AM 1 CONFERENCE ROOMS AT THERANOS, WHO WOULD BE PRESENT ON THE  
11:14AM 2 THERANOS SIDE?  
11:14AM 3 A. USUALLY ELIZABETH AND SOMETIMES SUNNY.  
11:14AM 4 Q. AND WERE YOU PRESENT FOR THE ENTIRETY OF ANY OR MANY OF  
11:15AM 5 THOSE MEETINGS?  
11:15AM 6 A. SOME OF THEM.  
11:15AM 7 Q. OKAY. WERE THERE MULTIPLE MEETINGS WITH VIP'S IN THESE  
11:15AM 8 THERANOS CONFERENCE ROOMS WHERE YOU WEREN'T PRESENT FOR  
11:15AM 9 PORTIONS OR ALL OF THEM?  
11:15AM 10 A. YES.  
11:15AM 11 Q. SO IF WE WANTED TO KNOW WHAT WAS SAID TO A VIP DURING ONE  
11:15AM 12 OF THOSE MEETINGS WHEN YOU WEREN'T PRESENT, WOULD YOU BE ABLE  
11:15AM 13 TO PROVIDE THAT INFORMATION FOR US?  
11:15AM 14 A. NO.  
11:15AM 15 Q. WE WOULD NEED TO ASK SOMEONE ELSE?  
11:15AM 16 A. CORRECT.  
11:15AM 17 Q. WE DISCUSSED THE NULL PROTOCOL AND THE DEMO APP DURING  
11:15AM 18 YOUR DIRECT EXAMINATION.  
11:15AM 19 DO YOU RECALL THAT?  
11:15AM 20 A. YES.  
11:15AM 21 Q. AND YOU GOT SOME ADDITIONAL QUESTIONS ABOUT THAT ON CROSS;  
11:15AM 22 CORRECT?  
11:15AM 23 A. CORRECT.  
11:15AM 24 Q. AND DID YOU PERSONALLY COME UP WITH THE IDEA FOR THE NULL  
11:15AM 25 PROTOCOL AT THERANOS?

11:15AM 1 A. NO.

11:15AM 2 Q. AND HOW ABOUT THE DEMO APP, WAS THAT YOUR IDEA?

11:15AM 3 A. NO.

11:15AM 4 Q. WERE YOU INVOLVED IN ACTUALLY DEVELOPING EITHER OF THOSE

11:15AM 5 SOFTWARE ITEMS?

11:15AM 6 A. NO.

11:15AM 7 Q. AND WERE THOSE ITEMS DEVELOPED IN HOUSE AT THERANOS?

11:16AM 8 A. YES.

11:16AM 9 Q. AND WHO OR WHAT GROUP OF PEOPLE WOULD HAVE DEVELOPED THOSE

11:16AM 10 PIECES OF SOFTWARE?

11:16AM 11 A. THE SOFTWARE DEVELOPMENT GROUP.

11:16AM 12 Q. AND WHO DID THAT GROUP REPORT TO?

11:16AM 13 A. SUNNY.

11:16AM 14 Q. AND CAN YOU REMIND US WHAT WAS THE KEY FEATURE OF THE DEMO

11:16AM 15 APP AS IT RELATES TO VIP DEMONSTRATIONS THAT WE'VE BEEN TALKING

11:16AM 16 ABOUT, OR KEY FEATURES?

11:16AM 17 A. ONE OF THE FEATURES WAS THAT IT SHIELDED ERRORS. THE

11:16AM 18 OTHER FEATURE WAS THAT IT HAD A USER FRIENDLY TOUCHSCREEN.

11:16AM 19 Q. AND WHEN YOU SAY, "IT SHIELDED ERRORS," WHAT DOES THAT

11:16AM 20 MEAN? CAN YOU EXPLAIN?

11:16AM 21 A. IF AN ERROR OCCURRED IN THE DEVICE, IT DID NOT APPEAR ON

11:16AM 22 THE SCREEN.

11:16AM 23 Q. YOU WERE INVOLVED IN COORDINATING MANY ASPECTS OF THESE

11:16AM 24 DEMONSTRATIONS AT THERANOS; CORRECT?

11:17AM 25 A. YES.

11:17AM 1 Q. WERE YOU ALWAYS PRESENT FOR CONVERSATIONS THAT MS. HOLMES  
11:17AM 2 OR MR. BALWANI HAD WITH THE VIP'S ABOUT THE DEMONSTRATIONS AND  
11:17AM 3 WHAT THEY WERE GOING TO SEE, WHAT MIGHT BE HAPPENING BEHIND THE  
11:17AM 4 SCENES?

11:17AM 5 A. NO.

11:17AM 6 Q. SO IF WE WANTED TO KNOW WHAT MR. BALWANI OR MS. HOLMES  
11:17AM 7 SAID TO THE VIP'S ABOUT THAT, WE WOULD NEED TO ASK SOMEONE  
11:17AM 8 ELSE?

11:17AM 9 A. CORRECT.

11:17AM 10 Q. AS THE PERSON COORDINATING THESE DEMONSTRATIONS, DID YOU  
11:17AM 11 HAVE AN UNDERSTANDING ABOUT WHY THE DEMONSTRATIONS WERE TAKING  
11:17AM 12 PLACE?

11:17AM 13 A. IN SOME INSTANCES.

11:17AM 14 Q. AS YOU UNDERSTOOD IT, WHAT WAS THE OVERALL POINT OF THESE  
11:17AM 15 DEMONSTRATIONS?

11:17AM 16 MS. WALSH: OBJECTION. HEARSAY.

11:17AM 17 THE COURT: OVERRULED.

11:17AM 18 THE WITNESS: THE POINT WAS TO SHOW HOW THE THERANOS  
11:17AM 19 TECHNOLOGY FUNCTIONED AND WHAT THE THERANOS TECHNOLOGY WAS.

11:17AM 20 BY MR. BOSTIC:

11:18AM 21 Q. AND WAS IT TO SHOW HOW WELL THE THERANOS TECHNOLOGY  
11:18AM 22 FUNCTIONED?

11:18AM 23 A. I THINK IT WAS TO SHOW HOW WELL AND HOW THE TECHNOLOGY  
11:18AM 24 FUNCTIONED.

11:18AM 25 Q. AND THAT GOAL OF SHOWING WHAT THE TECHNOLOGY IS AND HOW

11:18AM 1 WELL IT FUNCTIONS, SITTING HERE TODAY, CAN YOU EXPLAIN HOW THAT  
11:18AM 2 GOAL IS SERVED BY A PIECE OF SOFTWARE THAT HIDES ERRORS FROM A  
11:18AM 3 VIP WHO IS WATCHING?

11:18AM 4 MS. WALSH: OBJECTION. ARGUMENT.

11:18AM 5 THE COURT: COULD YOU REPHRASE THAT QUESTION.

11:18AM 6 BY MR. BOSTIC:

11:18AM 7 Q. SITTING HERE TODAY, MR. EDLIN, DO YOU BELIEVE THAT THE  
11:18AM 8 GOAL OF SHOWING HOW WELL THE THERANOS TECHNOLOGY WORKED WAS  
11:18AM 9 SERVED BY A PIECE OF SOFTWARE THAT HID ERRORS FROM THE VIP  
11:19AM 10 WATCHING?

11:19AM 11 MS. WALSH: OBJECTION. ARGUMENT.

11:19AM 12 THE COURT: OVERRULED.

11:19AM 13 BY MR. BOSTIC:

11:19AM 14 Q. IF YOU KNOW?

11:19AM 15 A. CAN YOU REPEAT THE QUESTION?

11:19AM 16 Q. SURE.

11:19AM 17 DO YOU BELIEVE THAT THE GOAL, THE GOAL THAT WE TALKED  
11:19AM 18 ABOUT OF SHOWING HOW WELL THE THERANOS TECHNOLOGY WORKED WAS  
11:19AM 19 SERVED BY USING SOFTWARE THAT HID ERRORS FROM THE VIP?

11:19AM 20 A. I DON'T KNOW.

11:19AM 21 Q. DO YOU RECALL DISCUSSION DURING YOUR DIRECT EXAMINATION OF  
11:19AM 22 INSTANCES WHERE DANIEL YOUNG REMOVED OR CHANGED LABORATORY  
11:19AM 23 RESULTS FOR THESE DEMOS?

11:19AM 24 A. YES.

11:19AM 25 Q. I'LL ASK YOU THE SAME QUESTION ABOUT THAT, WHICH IS, IF

11:19AM 1 THE GOAL WAS TO DEMONSTRATE TO VIP'S HOW WELL THE THERANOS  
11:19AM 2 TECHNOLOGY WORKED, DO YOU BELIEVE THAT THAT GOAL WAS SERVED BY  
11:20AM 3 REMOVING OR CHANGING PROBLEMATIC RESULTS?

11:20AM 4 MS. WALSH: OBJECTION. ARGUMENT.

11:20AM 5 THE COURT: OVERRULED. YOU CAN ANSWER THE QUESTION.

11:20AM 6 THE WITNESS: CAN YOU REPEAT THE QUESTION?

11:20AM 7 BY MR. BOSTIC:

11:20AM 8 Q. SURE.

11:20AM 9 THE GOAL OF SHOWING HOW WELL THE THERANOS TECHNOLOGY  
11:20AM 10 WORKED -- AND LET ME ASK, WAS THE POINT OF THESE  
11:20AM 11 DEMONSTRATIONS, TO PRESENT AN HONEST PICTURE OF HOW WELL THE  
11:20AM 12 THERANOS TECHNOLOGY WORKED IN YOUR MIND?

11:20AM 13 A. YES.

11:20AM 14 Q. SO THAT GOAL THEN, THE GOAL OF SHOWING HOW WELL THE  
11:20AM 15 THERANOS TECHNOLOGY WORKED, DO YOU BELIEVE THAT GOAL WAS SERVED  
11:20AM 16 BY THE PRACTICE OF REMOVING OR CHANGING PROBLEMATIC RESULTS  
11:20AM 17 AFTER THE FACT, IF YOU KNOW?

11:20AM 18 A. I DON'T KNOW.

11:20AM 19 Q. MS. WALSH ASKED YOU ABOUT CONTACT THAT YOU HAD HAD WITH  
11:20AM 20 SCIENTISTS WHO WORKED AT THERANOS.

11:20AM 21 DO YOU RECALL THOSE DISCUSSIONS?

11:20AM 22 A. YES.

11:20AM 23 Q. AND SHE ASKED YOU WHETHER YOU CONSULTED WITH THOSE  
11:21AM 24 SCIENTISTS, AND I BELIEVE YOU SAID YOU DID?

11:21AM 25 A. YES.

11:21AM 1 Q. AND SHE ASKED YOU WHETHER YOU RELIED ON THOSE SCIENTISTS,  
11:21AM 2 AND I BELIEVE YOU SAID YES; IS THAT RIGHT?

11:21AM 3 A. RIGHT.

11:21AM 4 Q. AND I THINK SHE MAY HAVE ASKED YOU WHETHER YOU DEFERRED TO  
11:21AM 5 THOSE SCIENTISTS.  
11:21AM 6 DID YOU?

11:21AM 7 A. I DID.

11:21AM 8 Q. AND WHY DID YOU CONSULT WITH, RELY ON, AND DEFER TO THE  
11:21AM 9 SCIENTISTS AT THERANOS?

11:21AM 10 A. BECAUSE THEY WERE THE EXPERTS WITHIN THE COMPANY WHO HAD  
11:21AM 11 THE INFORMATION THAT I WAS ASKED TO GET AT THE TIME.

11:21AM 12 Q. IN YOUR ROLE AT THERANOS, WHEN YOU WERE INTERACTING WITH  
11:21AM 13 THESE SCIENTISTS WHO WERE THE EXPERTS, DID YOU EVER ARGUE WITH  
11:21AM 14 THEM ABOUT THE SCIENCE?

11:21AM 15 A. NO.

11:21AM 16 Q. DID YOU EVER DISAGREE WITH THEM ON SCIENTIFIC POINTS?

11:21AM 17 A. NO.

11:21AM 18 Q. DID YOU EVER IGNORE THE ADVICE THAT THEY GAVE YOU ON  
11:21AM 19 SCIENTIFIC POINTS?

11:21AM 20 A. NO.

11:21AM 21 Q. DID YOU EVER OVERRULE DECISIONS THAT THEY MADE ON POINTS  
11:21AM 22 RELATING TO SCIENCE?

11:22AM 23 A. NO.

11:22AM 24 Q. MS. WALSH ALSO ASKED YOU ABOUT MR. BALWANI'S ROLE IN THE  
11:22AM 25 COMPANY AS IT RELATED TO MS. HOLMES'S ROLE.



11:22AM 1 DO YOU RECALL THAT DISCUSSION?

11:22AM 2 A. YES.

11:22AM 3 Q. AND SHE LISTED A NUMBER OF THINGS THAT MS. HOLMES WAS

11:22AM 4 RESPONSIBLE FOR IN THE COMPANY AND SOME THINGS THAT MR. BALWANI

11:22AM 5 WAS RESPONSIBLE FOR AS WELL.

11:22AM 6 DO YOU RECALL THAT?

11:22AM 7 A. YES.

11:22AM 8 Q. AND DID SHE ASK YOU -- LET ME ASK IT A DIFFERENT WAY.

11:22AM 9 DID YOUR DISCUSSION WITH HER INCLUDE ALL OF THE AREAS FOR

11:22AM 10 WHICH MR. BALWANI WAS PRIMARILY RESPONSIBLE IN THE COMPANY?

11:22AM 11 A. I DON'T BELIEVE SO.

11:22AM 12 Q. OKAY. WHAT AREAS WERE LEFT OUT OF THAT CONVERSATION, IF

11:22AM 13 YOU RECALL?

11:22AM 14 A. I DON'T RECALL.

11:22AM 15 Q. LET ME ASK YOU SOME SPECIFIC QUESTIONS THEN.

11:22AM 16 DO YOU RECALL MS. WALSH ASKING YOU ABOUT WHETHER

11:22AM 17 MR. BALWANI WAS PRIMARILY RESPONSIBLE FOR SOFTWARE AT THE

11:23AM 18 COMPANY?

11:23AM 19 A. YES.

11:23AM 20 Q. AND WHAT WAS THE ANSWER TO THAT?

11:23AM 21 A. YES.

11:23AM 22 Q. WAS MR. BALWANI ALSO RESPONSIBLE FOR FINANCIAL MATTERS AT

11:23AM 23 THE COMPANY, IF YOU KNOW?

11:23AM 24 A. I BELIEVE SO.

11:23AM 25 Q. OKAY. AND WHAT MAKES YOU SAY THAT?

11:23AM 1 A. WHEN I WAS ASKED TO HELP COMPILE SOME INVESTMENT BINDERS,  
11:23AM 2 I RECALL THAT ELIZABETH TOLD ME TO GET THE FINANCIAL SECTION OF  
11:23AM 3 THE BINDER FROM SUNNY.

11:23AM 4 Q. AND SPEAKING OF CONTACT WITH INVESTORS, ARE YOU AWARE OF  
11:23AM 5 ANY MEETINGS WITH THERANOS INVESTORS WHERE MR. BALWANI WAS  
11:23AM 6 PRESENT FOR THOSE MEETINGS?

11:23AM 7 A. I'M AWARE THAT THOSE MEETINGS HAPPENED. I'M NOT SURE OF  
11:23AM 8 THE SPECIFICS, THOUGH.

11:23AM 9 Q. I'M SORRY FOR TALKING OVER YOU.

11:23AM 10 HOW ABOUT WHEN IT CAME TO THERANOS'S RELATIONSHIP WITH  
11:23AM 11 WALGREENS, DID MR. BALWANI HAVE A PRIMARY ROLE THERE?

11:24AM 12 A. YES.

11:24AM 13 Q. WHAT MAKES YOU SAY THAT?

11:24AM 14 A. IN MY ROLE AS A SENIOR PRODUCT MANAGER WORKING ON THE  
11:24AM 15 WALGREENS PARTNERSHIP, MY TEAM REPORTED UP TO SUNNY. HE  
11:24AM 16 OVERSAW THAT PARTNERSHIP.

11:24AM 17 Q. WHEN MS. WALSH WAS LISTING AREAS OF RESPONSIBILITY AT THE  
11:24AM 18 COMPANY, I DON'T THINK SHE ASKED YOU ABOUT RESPONSIBILITY FOR  
11:24AM 19 THE CLINICAL LAB.

11:24AM 20 SO WE'RE TALKING ABOUT THE PORTION OF THE BUSINESS THAT  
11:24AM 21 ACTUALLY RAN PATIENT TESTING FOR THE PUBLIC; CORRECT?

11:24AM 22 A. CORRECT.

11:24AM 23 Q. BETWEEN MS. HOLMES AND MR. BALWANI, WHICH OF THEM, IN YOUR  
11:24AM 24 EXPERIENCE, WAS MORE INVOLVED WITH THE OPERATIONS OF THE  
11:24AM 25 CLINICAL LAB WHERE PATIENT TESTING WAS DONE?

11:24AM 1 A. SUNNY.

11:24AM 2 Q. AND WHAT MAKES YOU SAY THAT?

11:24AM 3 A. NUMBER ONE, HE WAS THE COO AND IN CHARGE OF OPERATIONS  
11:24AM 4 WITHIN THE COMPANY, AND MY UNDERSTANDING WAS THAT THE CLINICAL  
11:24AM 5 LAB FELL WITHIN OPERATIONS.

11:25AM 6 I'M ALSO AWARE THAT AT ONE POINT A LAB DIRECTOR LEFT THE  
11:25AM 7 COMPANY AND HE ASSUMED CONTROL, OR HE OVERSAW THE CLINICAL LAB  
11:25AM 8 OPERATIONS.

11:25AM 9 Q. AND AT THAT POINT WHERE MR. BALWANI TOOK MORE CONTROL OVER  
11:25AM 10 THE LAB AFTER A LAB DIRECTOR LEFT, CAN YOU PLACE THAT IN TIME  
11:25AM 11 FOR US?

11:25AM 12 DO YOU HAVE A RECOLLECTION AS TO APPROXIMATELY WHEN THAT  
11:25AM 13 WAS?

11:25AM 14 A. I BELIEVE IN 2014.

11:25AM 15 Q. DO YOU STILL HAVE THE WHITE BINDER IN FRONT OF YOU?

11:25AM 16 A. YES.

11:25AM 17 Q. THE GOVERNMENT BINDER.

11:25AM 18 CAN I ASK YOU TO TURN TO TAB 1776, PLEASE.

11:26AM 19 A. OKAY.

11:26AM 20 Q. OKAY. YOU HAVE EXHIBIT 1776 IN FRONT OF YOU?

11:26AM 21 A. YES.

11:26AM 22 Q. CAN YOU IDENTIFY EXHIBIT 1776 FOR US?

11:26AM 23 A. THIS WAS AN ARTICLE IN "FORTUNE" MAGAZINE WRITTEN ABOUT  
11:26AM 24 THERANOS.

11:26AM 25 Q. AND DO YOU RECALL DISCUSSING THIS ARTICLE AND MS. HOLMES'S

11:26AM 1 INTERVIEW WITH MS. WALSH A FEW MINUTES AGO?

11:26AM 2 A. YES.

11:26AM 3 Q. YOU TESTIFIED ON CROSS-EXAMINATION THAT, GENERALLY  
11:26AM 4 SPEAKING, MS. HOLMES WAS THE FACE OF THE COMPANY; IS THAT  
11:26AM 5 CORRECT?

11:26AM 6 A. YES.

11:26AM 7 Q. AND YOU WERE ALSO ASKED ABOUT WHETHER MR. BALWANI WAS  
11:26AM 8 PRESENT FOR MS. HOLMES'S INTERVIEW FOR THIS ARTICLE.

11:27AM 9 DO YOU RECALL THAT?

11:27AM 10 A. YES.

11:27AM 11 Q. COULD I DIRECT YOUR ATTENTION TO PAGE 21 OF THAT ARTICLE,  
11:27AM 12 THE TOP PARAGRAPH. I'LL JUST ASK YOU TO LOOK IT OVER. THE  
11:27AM 13 PAGE NUMBERS ARE AT THE VERY BOTTOM.

11:27AM 14 A. OKAY. I SEE THAT.

11:27AM 15 Q. DOES THAT REFRESH YOUR RECOLLECTION THAT MR. BALWANI WAS  
11:27AM 16 ALSO INTERVIEWED FOR THIS "FORTUNE" ARTICLE?

11:27AM 17 A. YES.

11:27AM 18 Q. OKAY. YOU CAN PUT THAT ASIDE. THANK YOU.

11:27AM 19 DO YOU RECALL DISCUSSING WITH MR. BALWANI'S COUNSEL THE  
11:27AM 20 WALGREENS RELATIONSHIP AND THE FACT THAT WALGREENS APPARENTLY  
11:27AM 21 HAD A THERANOS DEVICE IN ITS POSSESSION?

11:27AM 22 A. YES.

11:27AM 23 Q. DO YOU RECALL ANY OF THE DETAILS ABOUT WHEN THAT DEVICE  
11:27AM 24 WAS PROVIDED TO WALGREENS OR FOR WHAT PURPOSE?

11:28AM 25 A. I DON'T.

11:28AM 1 Q. DO YOU KNOW, FOR EXAMPLE, WHETHER THAT DEVICE WAS CAPABLE  
11:28AM 2 OF RUNNING ANY ASSAYS?  
11:28AM 3 A. NO.  
11:28AM 4 Q. DO YOU KNOW WHETHER THERANOS PROVIDED THE CARTRIDGES AND  
11:28AM 5 REAGENTS THAT WOULD BE NECESSARY TO ACTUALLY USE THAT DEVICE AS  
11:28AM 6 AN ANALYZER?  
11:28AM 7 A. I DON'T.  
11:28AM 8 Q. DO YOU KNOW WHETHER WALGREENS WAS PERMITTED TO EXAMINE THE  
11:28AM 9 DEVICE, FOR EXAMPLE, TO OPEN IT UP AND LOOK AT THE COMPONENTS?  
11:28AM 10 A. I'M NOT AWARE OF THOSE SPECIFIC CONVERSATIONS, BUT I  
11:28AM 11 ASSUME THAT THEY WOULD NOT BE ALLOWED TO DO THAT.  
11:28AM 12 Q. WHAT MAKES YOU ASSUME THAT THAT WOULDN'T BE PERMITTED?  
11:28AM 13 A. IN MY EXPERIENCE, NO ONE OUTSIDE OF THE COMPANY WAS  
11:28AM 14 PERMITTED TO DO THAT.  
11:28AM 15 Q. SPEAKING OF THE COMPANY'S RELATIONSHIPS WITH OUTSIDE  
11:29AM 16 PARTNERS, DO YOU RECALL DISCUSSING WITH MS. WALSH SOME OF THE  
11:29AM 17 CONTACTS THAT THE COMPANY HAD WITH PHARMACEUTICAL COMPANIES?  
11:29AM 18 A. YES.  
11:29AM 19 Q. OKAY. AND YOU WERE SHOWN SOME INSTANCES IN 2013 WHERE  
11:29AM 20 THERE WERE EMAILS AND DISCUSSIONS ABOUT SOME POSSIBLE FUTURE  
11:29AM 21 DEALINGS.  
11:29AM 22 DO YOU RECALL THAT GENERALLY?  
11:29AM 23 A. YES.  
11:29AM 24 Q. SITTING HERE TODAY, DO YOU HAVE A RECOLLECTION OF ANY OF  
11:29AM 25 THOSE CONTACTS ACTUALLY TURNING INTO REAL REVENUE GENERATING

11:29AM 1 WORK FOR THERANOS?

11:29AM 2 A. NO.

11:29AM 3 Q. MS. WACHS, CAN WE PUBLISH --

11:29AM 4 YOUR HONOR, ACTUALLY, WE WOULD LIKE TO PUBLISH

11:29AM 5 EXHIBIT 7753, AND ONE OF THE ATTACHMENTS. I BELIEVE THIS IS

11:30AM 6 PRE-ADMITTED.

11:30AM 7 THE COURT: IT MAY BE PUBLISHED, YES.

11:30AM 8 BY MR. BOSTIC:

11:30AM 9 Q. LET'S GO TO TAB 2.

11:30AM 10 MR. EDLIN, WHAT I'M SHOWING YOU IS A PRE-ADMITTED EXHIBIT.

11:30AM 11 HAVE YOU SEEN THESE FINANCIAL RECORDS BEFORE?

11:30AM 12 A. NO.

11:30AM 13 Q. I'LL DIRECT YOUR ATTENTION TO THE LEFT MOST COLUMN, A,

11:30AM 14 WHERE SOME ENTITIES ARE LISTED.

11:30AM 15 DO YOU SEE THOSE ENTITIES?

11:30AM 16 A. YES.

11:30AM 17 Q. AND DO YOU SEE THAT THEY INCLUDE COMPANIES LIKE PFIZER,

11:30AM 18 MERCK, AND OTHER PHARMACEUTICAL COMPANIES?

11:30AM 19 A. YES.

11:30AM 20 Q. AND DO YOU SEE AT THE TOP THERE'S A LINE FOR AMERICAN BURN

11:30AM 21 ASSOCIATION?

11:30AM 22 A. YES.

11:30AM 23 Q. AND CAN YOU REMIND US WHAT WAS THE COMPANY' WORK WITH THE

11:30AM 24 AMERICAN BURN ASSOCIATION?

11:30AM 25 A. THE WORK WAS ON A STUDY LOOKING AT SEPSIS IN CONNECTION

11:30AM 1 WITH BURN PATIENTS.

11:30AM 2 Q. LET'S SCROLL TO THE RIGHT IN THIS CHART, SO MOVING FORWARD  
11:31AM 3 IN TIME, AND LET'S LOOK AT THE TIME PERIOD 2012, 2013, AND ON.

11:31AM 4 SO, MR. EDLIN, LOOKING AT THIS CHART, FIRST OF ALL, FOR  
11:31AM 5 THE PHARMACEUTICAL COMPANIES, DO YOU SEE ON THIS CHART ANY  
11:31AM 6 REVENUE, LET'S SEE, OTHER THAN -- ACTUALLY, LET ME JUST ASK, DO  
11:31AM 7 YOU SEE ANY REVENUE ON THIS CHART FROM PHARMACEUTICAL COMPANIES  
11:31AM 8 IN 2012 OR ON?

11:31AM 9 A. IF I'M LOOKING AT THIS CORRECTLY, IT'S -- THERE'S A GAP  
11:31AM 10 BETWEEN 2011 AND 2014.

11:31AM 11 Q. OKAY. SO I GUESS MY QUESTION IS, DO YOU SEE ANY INDICATED  
11:31AM 12 REVENUE FROM PHARMACEUTICAL COMPANIES ON THIS CHART FOR THOSE  
11:31AM 13 YEARS, 2012, 2013, OR ON?

11:31AM 14 A. JUST 2014.

11:31AM 15 Q. OKAY. AND FOR 2014, YOU SEE THERE IS INCOME UNDER THE ROW  
11:32AM 16 FOR AMERICAN BURN ASSOCIATION; IS THAT CORRECT?

11:32AM 17 A. YES.

11:32AM 18 Q. AND THE GRAND TOTAL FOR THE AMERICAN BURN ASSOCIATION  
11:32AM 19 ENTITY IS ON THE RIGHT COLUMN THERE, AND IT SAYS 288,000.

11:32AM 20 DO YOU SEE THAT?

11:32AM 21 A. YES.

11:32AM 22 Q. IS THAT CONSISTENT WITH YOUR RECOLLECTION ABOUT THE TOTAL  
11:32AM 23 AMOUNT OF MONEY THAT THERANOS ACTUALLY MADE FROM THAT MULTI  
11:32AM 24 YEAR STUDY WITH THE AMERICAN BURN ASSOCIATION?

11:32AM 25 A. I DON'T RECALL.

11:32AM 1 Q. DO YOU HAVE ANY RECOLLECTION OF THE AMOUNT BEING, EXCUSE  
11:32AM 2 ME, DIFFERENT FROM THIS AMOUNT OF 288,000?

11:32AM 3 A. I DON'T RECALL --

11:32AM 4 Q. OKAY.

11:32AM 5 A. -- WHAT THE NUMBER WAS.

11:32AM 6 Q. OKAY. WE CAN PUT THAT ASIDE. THANK YOU.

11:32AM 7 SPEAKING OF THAT BURN STUDY AND CONTACTS WITH THE  
11:32AM 8 MILITARY, I'D LIKE TO DISCUSS THAT WITH YOU BRIEFLY.

11:32AM 9 A. OKAY.

11:32AM 10 Q. AND LET'S START WITH THE BURN STUDY.

11:32AM 11 MS. WACHS, DO WE HAVE THE ABILITY TO PROJECT 7694?

11:33AM 12 YOUR HONOR, THIS WAS PRE-ADMITTED?

11:33AM 13 THE COURT: IT WAS, YES.

11:33AM 14 MR. BOSTIC: IF WE CAN ZOOM IN ON THE ABSTRACT  
11:33AM 15 SECTION, JUST THAT WHOLE BOX.

11:33AM 16 Q. SO, MR. EDLIN, UNDER RESULTS, I THINK YOU TESTIFIED ABOUT  
11:33AM 17 THE REASON WHY THE STUDY WAS TERMINATED.

11:33AM 18 DO YOU RECALL THAT?

11:33AM 19 A. I'M NOT SURE IF IT WAS IN THAT CONTEXT.

11:33AM 20 Q. OKAY. LET ME ASK IT A BETTER WAY.

11:33AM 21 A. OKAY.

11:33AM 22 Q. DO YOU SEE UNDER RESULTS THE SECOND SENTENCE BEGINS, "THE  
11:33AM 23 STUDY WAS TERMINATED DUE TO"?

11:33AM 24 A. YES.

11:33AM 25 Q. IT SAYS, "THE STUDY WAS TERMINATED DUE TO SLOW



11:33AM 1 ENROLLMENT."

11:33AM 2 DO YOU RECALL THAT? CAN YOU EXPLAIN WHAT THAT MEANS?

11:33AM 3 A. THAT MEANS THAT THE STUDY DID NOT ENROLL OR MAKE A PART OF  
11:34AM 4 THAT STUDY. THAT GENERAL PROCESS WAS SLOW.

11:34AM 5 I THINK THE STUDY WAS THE INVESTIGATOR'S HOPE THAT MORE  
11:34AM 6 PATIENTS WOULD BE APART OF THAT STUDY.

11:34AM 7 Q. ABOVE THAT IT INDICATES THAT A FEW DOZEN PATIENTS WERE  
11:34AM 8 INVOLVED.

11:34AM 9 IS THAT CONSISTENT WITH YOUR RECOLLECTION?

11:34AM 10 A. YES.

11:34AM 11 Q. UNDER BACKGROUND, IT TALKS ABOUT THE OBJECTIVE OF THE  
11:34AM 12 STUDY.

11:34AM 13 DO YOU SEE THAT?

11:34AM 14 A. YES.

11:34AM 15 Q. AND IT TALKS ABOUT A TREATMENT ABBREVIATED HBHF, WHICH  
11:34AM 16 STANDS FOR HIGH-VOLUME HEMOFILTRATION.

11:34AM 17 DO YOU SEE THAT?

11:34AM 18 A. YES.

11:34AM 19 Q. AND DID THIS STUDY RELATE TO EXPLORING WHETHER THAT  
11:34AM 20 TREATMENT WOULD BE AN EFFECTIVE TREATMENT FOR BURN PATIENTS?

11:35AM 21 A. YES.

11:35AM 22 Q. AND DID THERANOS HAVE ANYTHING TO DO WITH THE DEVELOPMENT  
11:35AM 23 OF THAT TREATMENT, THAT HIGH-VOLUME HEMOFILTRATION?

11:35AM 24 A. I DON'T BELIEVE SO.

11:35AM 25 Q. OKAY. LET'S MOVE FORWARD IN THIS EXHIBIT.

11:35AM 1 LET'S GO TO THE SECOND TO THE LAST PAGE, PLEASE. SO WE  
11:35AM 2 CAN JUST KEEP SCROLLING FORWARD UNTIL WE GET THERE. THERE IT  
11:35AM 3 WAS. JUST THE PREVIOUS PAGE.

11:35AM 4 LET'S ZOOM IN ON ACKNOWLEDGEMENTS SECTION IN THE LOWER  
11:36AM 5 RIGHT CORNER.

11:36AM 6 MR. EDLIN, DO YOU SEE THAT THE ACKNOWLEDGEMENTS SECTION  
11:36AM 7 LISTS A VARIETY OF PROFESSIONALS AND FACILITIES INVOLVED IN THE  
11:36AM 8 STUDY?

11:36AM 9 A. YES.

11:36AM 10 Q. AND DO YOU SEE THAT THE FACILITIES INCLUDE MANY FACILITIES  
11:36AM 11 THAT ARE NOT AFFILIATED WITH THE MILITARY?

11:36AM 12 A. YES.

11:36AM 13 Q. SO MY QUESTION IS, WAS THIS STUDY FOCUSSED ON THE  
11:36AM 14 TREATMENT OF SOLDIERS AS SUBJECTS OR WAS IT BROADER THAN THAT?

11:36AM 15 A. BROADER.

11:36AM 16 Q. AND, AGAIN, JUST TO CLARIFY, BASED ON YOUR UNDERSTANDING  
11:36AM 17 OF THE STUDY AND WORKING WITH IT, DID THIS STUDY INVOLVE THE  
11:36AM 18 ACTUAL CLINICAL USE OF THE THERANOS ANALYZER?

11:36AM 19 IN OTHER WORDS, DID DOCTORS RELY ON THE RESULTS FROM THE  
11:36AM 20 THERANOS TESTS TO MAKE ANY TREATMENT DECISIONS ABOUT PATIENTS?

11:37AM 21 A. NO.

11:37AM 22 Q. OKAY. WE CAN PUT THAT ASIDE. THANK YOU.

11:37AM 23 YOU WERE ALSO ASKED ABOUT THERANOS'S CONTACT WITH SPECIAL  
11:37AM 24 OPERATIONS COMMAND.

11:37AM 25 DO YOU REMEMBER THAT?

11:37AM 1

A. YES.

11:37AM 2

Q. AND MS. WALSH ASKED YOU ABOUT AN INSTANCE WHERE DEVICES

11:37AM 3

WERE SENT TO SOCOM; IS THAT RIGHT?

11:37AM 4

A. YES.

11:37AM 5

Q. AND SHE ASKED YOU WHETHER SOCOM COULD RUN TESTS ON THOSE

11:37AM 6

DEVICES -- WELL, ACTUALLY, LET ME JUST ASK YOU THAT QUESTION.

11:37AM 7

TO YOUR RECOLLECTION, COULD SOCOM HAVE USED THOSE DEVICES

11:37AM 8

TO ACTUALLY RUN TESTS?

11:37AM 9

A. I THINK I -- THEY WOULD HAVE NEEDED MORE MATERIAL, MORE

11:37AM 10

EQUIPMENT TO DO THAT.

11:37AM 11

Q. YOU TESTIFIED ON CROSS THAT YOU DON'T BELIEVE THE

11:37AM 12

CARTRIDGES WERE INCLUDED WITH THOSE DEVICES?

11:37AM 13

A. CORRECT.

11:37AM 14

Q. EXPLAIN WHAT THAT MEANS. WHAT WERE THE CARTRIDGES AND WHY

11:38AM 15

WERE THEY NECESSARY FOR USE WITH THE DEVICES?

11:38AM 16

A. THE CARTRIDGES WERE A PIECE OF EQUIPMENT THAT SOMEONE

11:38AM 17

WOULD PUT A NANOTAINER OF BLOOD INTO.

11:38AM 18

CARTRIDGES ALSO HAD DIFFERENT CHEMISTRIES THAT WERE

11:38AM 19

REQUIRED TO DO TESTING.

11:38AM 20

SO A DEVICE ITSELF COULD NOT DO THE TESTING. IT NEEDED

11:38AM 21

CARTRIDGES AND NANOTAINERS IN ORDER TO DO THE TESTING.

11:38AM 22

Q. AND WOULD A LACK OF CARTRIDGES PREVENT SOCOM FROM USING

11:38AM 23

THE ANALYZER IN THE CLINICAL TREATMENT OF SOLDIERS?

11:38AM 24

A. YES.

11:38AM 25

Q. HOW ABOUT JUST TESTING THE DEVICE TO SEE IF IT PROVIDED

11:38AM 1 ACCURATE RESULTS, WOULD THE LACK OF CARTRIDGES PREVENT THEM  
11:38AM 2 FROM EVEN TAKING THAT STEP?

11:38AM 3 A. YES.

11:38AM 4 Q. I'D LIKE TO ASK YOU ABOUT THERANOS'S DEALINGS WITH  
11:39AM 5 CENTCOM. THAT'S CENTRAL COMMAND; RIGHT?

11:39AM 6 A. RIGHT.

11:39AM 7 Q. YOU WERE ASKED ABOUT A TRIP TO MACDILL BASE IN 2012 FOR A  
11:39AM 8 SECURITY TEST.

11:39AM 9 DO YOU REMEMBER THAT TRIP?

11:39AM 10 A. YES.

11:39AM 11 Q. AND CAN YOU EXPLAIN TO US WHAT THE DEVICE HAD TO DO ON  
11:39AM 12 THAT TRIP? FOR EXAMPLE, WAS IT RUNNING ANY ACTUAL PATIENT  
11:39AM 13 SAMPLES AT THAT TIME?

11:39AM 14 A. IT DID NOT HAVE TO RUN ANY TESTS AT THAT TIME.

11:39AM 15 Q. WHAT WAS IT DOING INSTEAD?

11:39AM 16 A. IT ESSENTIALLY HAD TO TURN ON AND CONNECT TO THE NETWORK  
11:39AM 17 AND SERVER, AND THAT WAS IT.

11:39AM 18 Q. YOU WERE ALSO SHOWN A PROTOCOL FOR A LIMITED OBJECTIVE  
11:39AM 19 EXPERIMENT WITH CENTCOM.

11:39AM 20 DO YOU REMEMBER SEEING THAT?

11:39AM 21 A. YES.

11:39AM 22 Q. MS. WACHS, DO WE HAVE THAT EXHIBIT TO DISPLAY? IT'S  
11:39AM 23 10472.

11:39AM 24 ACTUALLY, SORRY. IT'S 10457.

11:40AM 25 MR. -- SORRY. YOUR HONOR, MAY WE PUBLISH?

11:40AM 1 THE COURT: YES.

11:40AM 2 BY MR. BOSTIC:

11:40AM 3 Q. MR. EDLIN, DO YOU RECALL REVIEWING THIS EXHIBIT AND THE

11:40AM 4 ATTACHED PROTOCOL WITH MS. WALSH?

11:40AM 5 A. YES.

11:40AM 6 Q. AND LET'S LOOK AT THE ATTACHMENT, THE PROTOCOL ITSELF.

11:40AM 7 SO, FIRST OF ALL, CAN YOU EXPLAIN FOR US WHAT THE FUNCTION

11:40AM 8 OF THIS DOCUMENT WAS? WHAT ARE WE ACTUALLY LOOKING AT?

11:40AM 9 A. THIS DOCUMENT OUTLINES THE WORK THAT THERANOS WOULD DO

11:40AM 10 WITH CENTCOM TO EVALUATE THE TECHNOLOGY.

11:40AM 11 Q. OKAY. AND THIS WORK THAT WAS GOING TO TAKE PLACE, DID IT

11:40AM 12 ACTUALLY EVER HAPPEN?

11:40AM 13 A. NO.

11:40AM 14 Q. THE LIMITED OBJECTIVE EXPERIMENT WHERE A DEVICE WAS GOING

11:40AM 15 TO BE SHIPPED TO THE MIDDLE EAST AND EVALUATED BY THE MILITARY,

11:41AM 16 DID THAT ACTUALLY EVER TAKE PLACE?

11:41AM 17 A. NO.

11:41AM 18 Q. LET'S LOOK AT PAGE 12 OF THIS EXHIBIT.

11:41AM 19 LET'S KEEP GOING TO THE NEXT PAGE.

11:41AM 20 AND ONE MORE. RIGHT THERE.

11:41AM 21 LET'S ZOOM IN ON THE TOP PORTION OF THIS PAGE.

11:41AM 22 MR. EDLIN, DO YOU SEE THAT NOW WE'RE LOOKING AT A PART OF

11:41AM 23 THAT DOCUMENT THAT HAS A LIST OF ASSAYS?

11:41AM 24 A. YES.

11:41AM 25 Q. AND I'LL DRAW YOUR ATTENTION TO JUST THE FIRST ONE ON THAT

11:41AM 1 LIST, WHICH IS CBC.

11:41AM 2 DO YOU HAVE AN UNDERSTANDING AS TO WHAT CBC IS OR WHAT IT

11:41AM 3 STANDS FOR?

11:42AM 4 A. COMPLETE BLOOD COUNT.

11:42AM 5 Q. AT THIS TIME, DO YOU KNOW WHETHER THERANOS HAD A HOME

11:42AM 6 BUILT ANALYZER THAT IT WAS USING FOR THE CBC ASSAY FOR PATIENT

11:42AM 7 TESTING?

11:42AM 8 MS. WALSH: OBJECTION. FOUNDATION.

11:42AM 9 THE COURT: YOU'RE ASKING IF HE HAS PERSONAL

11:42AM 10 KNOWLEDGE OF THAT. OVERRULED.

11:42AM 11 YOU CAN ANSWER THE QUESTION WHETHER YOU HAD PERSONAL

11:42AM 12 KNOWLEDGE.

11:42AM 13 BY MR. BOSTIC:

11:42AM 14 Q. LET ME ASK IT AGAIN, MR. EDLIN.

11:42AM 15 THE QUESTION IS, AROUND THE TIME THAT THESE CONVERSATIONS

11:42AM 16 WERE HAPPENING WITH THE MILITARY, DO YOU KNOW WHETHER THERANOS

11:42AM 17 HAD A HOME BUILT ANALYZER THAT IT WAS ACTUALLY USING FOR CBC

11:42AM 18 ASSAYS FOR PATIENT TESTING?

11:42AM 19 A. I DON'T BELIEVE IT DID.

11:42AM 20 Q. LET'S LOOK AT EXHIBIT 10472, WHICH IS ANOTHER ONE THAT YOU

11:43AM 21 REVIEWED WITH MS. WALSH.

11:43AM 22 YOUR HONOR, MAY WE DISPLAY THIS?

11:43AM 23 THE COURT: YES.

11:43AM 24 BY MR. BOSTIC:

11:43AM 25 Q. MR. EDLIN, DO YOU RECALL REVIEWING THIS CORRESPONDENCE

11:43AM 1 WHERE THERANOS WAS PREPARING TO SEND AN ANALYZER TO THE  
11:43AM 2 MILITARY IN FEBRUARY OF 2013?

11:43AM 3 A. YES.

11:43AM 4 Q. YOU TESTIFIED THAT THERANOS LAUNCHED ITS TESTING SERVICES  
11:43AM 5 TO THE PUBLIC IN SEPTEMBER 2013; IS THAT RIGHT?

11:43AM 6 A. YES.

11:43AM 7 Q. AND SO ABOUT SEVEN MONTHS AFTER THIS; IS THAT CORRECT?

11:43AM 8 A. YES.

11:43AM 9 Q. IN SEPTEMBER 2013, DID THERANOS HAVE A 4 SERIES DEVICE  
11:43AM 10 THAT WAS AT THE POINT WHERE IT COULD BE USED FOR PATIENT  
11:43AM 11 TESTING?

11:43AM 12 A. I DON'T BELIEVE SO.

11:43AM 13 Q. HOW ABOUT IN 2014, BASED ON YOUR UNDERSTANDING, WERE ANY  
11:44AM 14 4 SERIES DEVICES READY TO BE USED FOR PATIENT TESTING AT  
11:44AM 15 THERANOS IN 2014?

11:44AM 16 A. I BELIEVE THEY WERE STILL UNDER DEVELOPMENT.

11:44AM 17 Q. AND HOW ABOUT IN 2015, YEARS AFTER THIS EMAIL, DID  
11:44AM 18 THERANOS HAVE A 4 SERIES DEVICE THAT IT COULD USE FOR PATIENT  
11:44AM 19 TESTING?

11:44AM 20 A. I KNOW THAT THE TESTS WERE NOT USED FOR PATIENT TESTING.

11:44AM 21 Q. AND IS THAT TRUE FOR YOUR ENTIRE TIME AT THE COMPANY?

11:44AM 22 A. YES.

11:44AM 23 Q. LOOKING AT THIS EMAIL, I'LL DRAW YOUR ATTENTION TO THE  
11:44AM 24 HIGHER -- I'M SORRY, THE ITALICIZED PARAGRAPH, WHICH IS THE  
11:44AM 25 THIRD ONE DOWN. LET'S DRAW YOUR ATTENTION TO THAT ONE.

11:45AM 1 DO YOU SEE THERE'S -- ON THE THIRD LINE THERE'S A SENTENCE  
11:45AM 2 THAT BEGINS, "WE HAVE SIGNIFICANTLY ACCELERATED THERANOS'S  
11:45AM 3 PREVIOUSLY PLANNED RELEASE OF 4S IN ORDER TO MEET OUR  
11:45AM 4 OBJECTIVES FOR THIS PROGRAM."

11:45AM 5 DO YOU SEE THAT?

11:45AM 6 A. YES.

11:45AM 7 Q. AND THIS CLAIM OF SIGNIFICANTLY ACCELERATING THE RELEASE  
11:45AM 8 OF 4S, LET ME JUST ASK, WAS THE 4S DEVICE EVER ACTUALLY  
11:45AM 9 RELEASED DURING YOUR TIME AT THE COMPANY?

11:45AM 10 A. COULD YOU DEFINE "RELEASED"?

11:45AM 11 Q. SURE.

11:45AM 12 WAS IT EVER SOLD TO ANY THIRD PARTIES, TO YOUR KNOWLEDGE?

11:45AM 13 A. NO.

11:45AM 14 Q. WAS IT EVER USED FOR CLINICAL PATIENT TESTING, TO YOUR  
11:45AM 15 KNOWLEDGE?

11:45AM 16 A. NO.

11:45AM 17 Q. DID IT EVER COMPLETE THE RESEARCH AND DEVELOPMENT PROCESS,  
11:45AM 18 TO YOUR KNOWLEDGE?

11:45AM 19 A. I UNDERSTAND THAT IT RECEIVED THAT FDA CLEARANCE OR  
11:46AM 20 APPROVAL FOR THE ONE TEST.

11:46AM 21 Q. AND DID YOU UNDERSTAND THAT TO BE THE END OF ALL RESEARCH  
11:46AM 22 AND DEVELOPMENT SUCH THAT THE 4S WAS COMPLETE AND A RELEASED  
11:46AM 23 PRODUCT?

11:46AM 24 A. NO.

11:46AM 25 Q. FINALLY -- OKAY. WE CAN SET THAT ASIDE.



11:46AM 1 FINALLY, LET ME ASK YOU, ON THE MILITARY TOPIC, ABOUT  
11:46AM 2 THERANOS'S DEALINGS WITH AFRICOM. IF WE CAN BRIEFLY DISPLAY  
11:46AM 3 13993.

11:46AM 4 YOUR HONOR, THIS IS PRE-ADMITTED.

11:46AM 5 THE COURT: YES.

11:46AM 6 BY MR. BOSTIC:

11:46AM 7 Q. AND LET'S LOOK AT PAGE 5, PLEASE. LET'S LOOK AT THE  
11:46AM 8 BOTTOM OF THIS PAGE.

11:46AM 9 MR. EDLIN, DO YOU SEE HERE THAT MELISSA GIVENS FROM THE  
11:47AM 10 MILITARY IS SPECIFYING VALUES FOR THE PATIENTS THAT WOULD BE  
11:47AM 11 TESTED?

11:47AM 12 A. YES.

11:47AM 13 Q. CAN YOU EXPLAIN WHAT THAT MEANS IN TERMS OF WHETHER THE  
11:47AM 14 DEVICE WAS ACTUALLY BEING USED TO PROVIDE RESULTS FOR PATIENTS?

11:47AM 15 A. LIEUTENANT COLONEL GIVENS SENT A LIST OF RESULTS FOR  
11:47AM 16 DIFFERENT PATIENT NUMBERS THAT WOULD BE DISPLAYED ON THE DEVICE  
11:47AM 17 SCREEN. SO THESE WERE ESSENTIALLY ARTIFICIAL RESULTS THAT WERE  
11:47AM 18 PRELOADED INTO THE THERANOS SOFTWARE AND THEN DISPLAYED ON THE  
11:47AM 19 SCREEN WHEN A CERTAIN PATIENT WAS -- A CERTAIN PATIENT NUMBER  
11:47AM 20 WAS INPUT INTO THE APPLICATION.

11:47AM 21 Q. SO, IN OTHER WORDS, THE DEVICE WAS NOT ACTUALLY RUNNING  
11:47AM 22 TESTS ON SAMPLES AND RECORDING THE RESULTS?

11:47AM 23 A. CORRECT.

11:48AM 24 Q. AND DO YOU RECALL REVIEWING WITH MS. WALSH EMAILS ABOUT  
11:48AM 25 FUTURE TESTING THAT AFRICOM WAS PLANNING?

11:48AM 1 A. YES.

11:48AM 2 Q. AND DID THAT TESTING EVER ACTUALLY TAKE PLACE?

11:48AM 3 A. NO.

11:48AM 4 Q. OKAY. WE CAN SET THAT ASIDE.

11:48AM 5 THE LAST TOPIC I WANT TO DISCUSS WITH YOU, MR. EDLIN, IS

11:48AM 6 THE ADVICE THAT THERANOS GOT AND THAT MR. BALWANI AND

11:48AM 7 MS. HOLMES RECEIVED ABOUT THE WEBSITE CONTENT.

11:48AM 8 DO YOU RECALL THAT?

11:48AM 9 A. YES.

11:48AM 10 MR. BOSTIC: YOUR HONOR, MAY WE PUBLISH 3981. IT'S

11:48AM 11 BEEN PRE-ADMITTED.

11:48AM 12 THE COURT: YES.

11:48AM 13 BY MR. BOSTIC:

11:48AM 14 Q. MR. EDLIN, DO YOU RECALL DISCUSSING WITH MS. WALSH ABOUT

11:48AM 15 DIRECTION THAT THERANOS GOT ABOUT THE WEBSITE AND SHE HAD

11:48AM 16 SHOWED YOU SOME CHANGES THAT HAD BEEN MADE ON THE WEBSITE?

11:48AM 17 A. YES.

11:48AM 18 Q. AND LET'S LOOK AT THE BOTTOM OF THIS PAGE.

11:49AM 19 AND DO YOU SEE HERE THAT ABOUT HALF WAY DOWN THAT

11:49AM 20 PARAGRAPH IT MENTIONS THAT WHAT IS BEING CALLED OUT ARE

11:49AM 21 SITUATIONS WHERE THERE'S DISCUSSION ABOUT SUPERLATIVE OR

11:49AM 22 COMPARATIVE PERFORMANCE CLAIMS.

11:49AM 23 DO YOU SEE THAT?

11:49AM 24 A. YES.

11:49AM 25 Q. LET'S LOOK AT THE NEXT PAGE OF THIS EXHIBIT.

11:49AM 1 AND DO YOU SEE OR DO YOU RECALL IN THIS EXHIBIT THAT

11:49AM 2 MR. BALWANI AND MS. HOLMES WERE ADVISED NOT TO USE LANGUAGE

11:49AM 3 LIKE "HIGHEST QUALITY, HIGHEST LEVELS OF ACCURACY"?

11:49AM 4 A. YES.

11:49AM 5 Q. AND LET'S GO TO THE NEXT PAGE HERE.

11:49AM 6 AND DO YOU SEE THAT THEY WERE ADVISED NOT TO USE THE

11:49AM 7 PHRASE "MORE PRECISE" AND TO SAY "PRECISE" INSTEAD?

11:49AM 8 A. YES.

11:49AM 9 Q. AND LET'S LOOK NOW AT THE FINAL VERSION OF THE WEBSITE,

11:50AM 10 WHICH IS 5805.

11:50AM 11 AND LET'S LOOK AT PAGE 2.

11:50AM 12 AND UNDER A FULL RANGE OF TESTS, IF WE CAN ZOOM IN ON

11:50AM 13 THAT.

11:50AM 14 DO YOU SEE THAT THE FINAL VERSION OF THE WEBSITE STILL HAD

11:50AM 15 THE LANGUAGE CLAIMING "THE HIGHEST LEVELS OF QUALITY"?

11:50AM 16 A. I DO.

11:50AM 17 Q. LET'S GO TO PAGE 3 AND UNDER WHERE IT SAYS, "A FEW DROPS."

11:50AM 18 DO YOU RECALL THAT THE WEBSITE AGAIN REPEATED THE CLAIM

11:50AM 19 ABOUT HAVING "THE HIGHEST LEVEL OF QUALITY"?

11:50AM 20 A. I DO.

11:50AM 21 Q. AND LET'S GO TO PAGE 21. LET'S ZOOM IN UNDER ONE TINY

11:51AM 22 DROP ON THIS PAGE.

11:51AM 23 LET'S ZOOM OUT.

11:51AM 24 LET'S LOOK UNDER WELCOME AT THE TOP OF THE PAGE.

11:51AM 25 DO YOU RECALL THAT AGAIN THE FINAL VERSION OF THE WEBSITE

11:51AM 1 STILL HAS THE CLAIM ABOUT SPEED AND QUOTE, "THE HIGHEST LEVELS  
11:51AM 2 OF ACCURACY"?

11:51AM 3 A. I DO.

11:51AM 4 Q. AND FINALLY, LET'S LOOK AT PAGE 22 AND THERE UNDER "ONE  
11:51AM 5 TINY DROP."

11:51AM 6 DO YOU SEE HERE AGAIN THAT LANGUAGE THAT MR. BALWANI AND  
11:51AM 7 MS. HOLMES WERE ADVISED NOT TO USE ABOUT "THE HIGHEST LEVEL OF  
11:51AM 8 ACCURACY AND PRECISION"?

11:51AM 9 A. I DO.

11:51AM 10 Q. AND DO YOU RECALL THAT ON DIRECT, YOU SAW THE BROCHURE  
11:52AM 11 THAT THERANOS USED TO MARKET TO PATIENTS?

11:52AM 12 A. YES.

11:52AM 13 Q. AND DO YOU RECALL SIMILAR LANGUAGE BEING USED IN THAT  
11:52AM 14 BROCHURE?

11:52AM 15 A. YES.

11:52AM 16 Q. AND DO YOU RECALL THAT WE ALSO LOOKED AT AN EXAMPLE OF AN  
11:52AM 17 INVESTOR PRESENTATION SENT BY THERANOS TO AN INVESTOR?

11:52AM 18 A. YES.

11:52AM 19 Q. AND DO YOU RECALL THAT THAT ALSO HAD SIMILAR CLAIMS ABOUT  
11:52AM 20 "THE HIGHEST LEVELS OF ACCURACY"?

11:52AM 21 A. YES.

11:52AM 22 MR. BOSTIC: MAY I HAVE A MOMENT, YOUR HONOR?

11:52AM 23 THE COURT: YES.

11:52AM 24 (DISCUSSION AMONGST GOVERNMENT COUNSEL OFF THE RECORD.)

11:52AM 25 MR. BOSTIC: NO FURTHER QUESTIONS.

11:52AM 1 MS. WALSH: THANK YOU, YOUR HONOR.

11:52AM 2 CAN WE LEAVE THAT EXHIBIT UP IF THAT'S POSSIBLE.

11:53AM 3 **RECROSS-EXAMINATION**

11:53AM 4 BY MS. WALSH:

11:53AM 5 Q. THANK YOU. I JUST WANT TO TAKE A LOOK AT THAT SENTENCE,  
11:53AM 6 MR. EDLIN, THAT CONTAINED THE PHRASE "HIGHEST LEVEL OF ACCURACY  
11:53AM 7 AND PRECISION," THAT FULL SENTENCE. IF WE CAN HIGHLIGHT FROM  
11:53AM 8 "AND," THE SENTENCE, "AND WE PROVIDE THE HIGHEST LEVEL OF  
11:53AM 9 OVERSIGHT, AUTOMATION, AND STANDARDIZATION IN BOTH OUR PRE- AND  
11:53AM 10 POST-ANALYTIC PROCESSES, TO REALIZE THE HIGHEST LEVEL OF  
11:53AM 11 ACCURACY AND PRECISION."

11:53AM 12 DO YOU SEE THAT?

11:53AM 13 A. YES.

11:53AM 14 Q. AND SO IT'S TO REALIZE THOSE HIGHEST LEVELS THAT THE  
11:53AM 15 COMPANY WAS TRYING TO ACHIEVE; CORRECT?

11:53AM 16 A. CORRECT.

11:53AM 17 Q. OKAY. AND APART FROM THE EMAILS THAT WE SAW FROM THE  
11:53AM 18 LAWYERS, DO YOU REMEMBER THOSE LAWYERS, MR. EDLIN, WITH THE  
11:53AM 19 LAWYER'S ADVICE?

11:53AM 20 A. YES.

11:54AM 21 Q. AND THERE WERE OTHER COMMUNICATIONS WITH THE LAWYERS AT  
11:54AM 22 THERANOS ABOUT THE WEBSITE; CORRECT?

11:54AM 23 A. I DON'T RECALL SPECIFIC INSTANCES, BUT I WOULD NOT BE  
11:54AM 24 SURPRISED IF THAT HAPPENED.

11:54AM 25 Q. OKAY. THERE WERE PHONE CALLS WITH LAWYERS; RIGHT?

11:54AM 1 A. I DON'T KNOW SPECIFICALLY.

11:54AM 2 Q. ALL RIGHT. ARE YOU AWARE THAT THERE WERE MEETINGS WITH

11:54AM 3 THE LAWYERS ABOUT THE MARKETING MATERIALS AND THE WEBSITE?

11:54AM 4 A. I BELIEVE SO.

11:54AM 5 Q. SO IS IT FAIR TO SAY THAT THOSE TWO EMAILS THAT WE SAW ARE

11:54AM 6 NOT THE ONLY COMMUNICATIONS WITH THE LAWYERS ABOUT THE WEBSITE?

11:54AM 7 A. I DON'T KNOW SPECIFICALLY.

11:54AM 8 Q. OKAY. AND THE GOVERNMENT JUST ASKED YOU ABOUT THE FDA --

11:54AM 9 LET'S CALL IT FDA CLEARANCE TO BE PRECISE, THE FDA CLEARANCE

11:54AM 10 FOR THE HSV 1 ASSAY.

11:54AM 11 DO YOU REMEMBER THAT?

11:54AM 12 A. YES.

11:54AM 13 Q. AND THAT WAS IN 2015; RIGHT?

11:55AM 14 A. RIGHT.

11:55AM 15 Q. AND THE GOVERNMENT JUST POINTED OUT THAT PATIENT TESTING

11:55AM 16 WAS GOING ON SINCE 2013; RIGHT?

11:55AM 17 A. RIGHT.

11:55AM 18 Q. BUT THAT PATIENT TESTING WAS BASED ON THE CENTRAL LAB

11:55AM 19 MODEL; CORRECT?

11:55AM 20 A. CORRECT.

11:55AM 21 Q. WHERE THE SAMPLES WERE TAKEN AT WALGREENS; RIGHT?

11:55AM 22 A. RIGHT.

11:55AM 23 Q. AND THEY WERE SHIPPED TO THERANOS; CORRECT?

11:55AM 24 A. CORRECT.

11:55AM 25 Q. AND THEY WERE PROCESSED AT THERANOS; RIGHT?

11:55AM 1 A. RIGHT.

11:55AM 2 Q. AND THEN RESULTS WERE ISSUED; CORRECT?

11:55AM 3 A. RIGHT.

11:55AM 4 Q. AND THERE WAS NOTHING THAT VIOLATED FDA RULES AS FAR AS

11:55AM 5 YOU KNEW WITH THAT MODEL; IS THAT RIGHT?

11:55AM 6 MR. BOSTIC: OBJECTION. 702, FOUNDATION, CALLS FOR

11:55AM 7 A LEGAL CONCLUSION.

11:55AM 8 THE COURT: YOU CAN LAY A FOUNDATION OF HIS

11:55AM 9 KNOWLEDGE.

11:55AM 10 MS. WALSH: SURE.

11:55AM 11 Q. MR. EDLIN, YOU -- WERE YOU AWARE THAT THE POINT OF THE FDA

11:55AM 12 CLEARANCE IS THAT -- IS SO THAT THERANOS COULD PUT ITS DEVICES

11:55AM 13 OUTSIDE OF THERANOS?

11:55AM 14 A. YES.

11:55AM 15 Q. AND BEFORE, AND BEFORE IT DID THAT, IT WOULD HAVE TO RUN

11:56AM 16 THE TEST IN HOUSE; IS THAT RIGHT?

11:56AM 17 A. BEFORE THE CLEARANCE?

11:56AM 18 Q. YES.

11:56AM 19 A. YES.

11:56AM 20 Q. OKAY. THE GOVERNMENT ALSO ASKED YOU ABOUT THE TEST

11:56AM 21 RESULTS COMING OUT OF THE DEMONSTRATIONS.

11:56AM 22 DO YOU REMEMBER THAT?

11:56AM 23 A. YES.

11:56AM 24 Q. AND ONE OF THE QUESTIONS TO YOU WAS WHETHER THE GOAL OF

11:56AM 25 THOSE DEMONSTRATIONS WAS TO PRESENT AN HONEST PICTURE OF WHAT

11:56AM 1 WAS GOING ON; RIGHT?

11:56AM 2 A. YES.

11:56AM 3 Q. AND THAT WAS THE GOAL; RIGHT?

11:56AM 4 A. YES.

11:56AM 5 Q. AND DID YOU BELIEVE THAT DANIEL YOUNG, IN DOING WHAT HE

11:56AM 6 WAS DOING, WAS BEING DISHONEST IN ANALYZING AND MAKING

11:56AM 7 DECISIONS ABOUT THOSE TEST RESULTS?

11:56AM 8 A. NO.

11:56AM 9 Q. YOU ALSO TESTIFIED THAT AT A CERTAIN POINT WHEN THE LAB

11:57AM 10 DIRECTORS AT THERANOS LEFT IN 2014 --

11:57AM 11 DO YOU REMEMBER THAT?

11:57AM 12 A. YES.

11:57AM 13 Q. -- AND AFTER THAT, MR. BALWANI OVERSAW THE LAB.

11:57AM 14 DO YOU REMEMBER THAT TESTIMONY?

11:57AM 15 A. YES.

11:57AM 16 Q. BUT MR. BALWANI WAS OVERSEEING THE LAB OPERATIONS;

11:57AM 17 CORRECT?

11:57AM 18 A. I'M NOT SURE I UNDERSTAND THE DISTINCTION.

11:57AM 19 Q. WELL, HE WASN'T QUALIFIED TO BE A LAB DIRECTOR, WAS HE?

11:57AM 20 A. I DON'T BELIEVE SO.

11:57AM 21 Q. AND HE WASN'T MAKING MEDICAL DECISIONS AS FAR AS YOU KNOW;

11:57AM 22 RIGHT?

11:57AM 23 A. RIGHT.

11:57AM 24 Q. HE DIDN'T HAVE A BIOSCIENCE BACKGROUND; RIGHT?

11:57AM 25 A. RIGHT.



11:57AM 1 Q. AND SO TO THE EXTENT THAT HE WAS IN CHARGE OF THAT  
11:57AM 2 CLINICAL LAB, IT WAS RELATED TO THE OPERATIONS; RIGHT?  
11:57AM 3 A. RIGHT.  
11:57AM 4 Q. THE GOVERNMENT ALSO ASKED YOU ABOUT THE DEVICE THAT WAS  
11:57AM 5 SENT TO WALGREENS.  
11:57AM 6 DO YOU REMEMBER THAT?  
11:57AM 7 A. YES.  
11:57AM 8 Q. AND WHETHER THE -- THAT DEVICE COULD RUN ASSAYS; RIGHT?  
11:57AM 9 A. RIGHT.  
11:57AM 10 Q. AND WHETHER WALGREENS HAD CARTRIDGES TO RUN THOSE ASSAYS;  
11:57AM 11 RIGHT?  
11:57AM 12 A. RIGHT.  
11:57AM 13 Q. COULD WE PULL UP EXHIBIT 20550, WHICH IS IN EVIDENCE.  
11:58AM 14 AND THIS IS AN EMAIL FROM YOU TO MR. BALWANI?  
11:58AM 15 A. RIGHT.  
11:58AM 16 Q. AND IN THE SECOND PARAGRAPH YOU SAY, "THERE ARE CURRENTLY  
11:58AM 17 40 READERS IN THE FIELD FOR THE ABA TRIAL"; RIGHT?  
11:58AM 18 A. YES.  
11:58AM 19 Q. AND THIS IS THE EMAIL THAT CONTAINS THE STATEMENT ABOUT  
11:58AM 20 WALGREENS HAVING ONE OF THOSE READERS; CORRECT?  
11:58AM 21 A. CORRECT.  
11:58AM 22 Q. AND A READER IS A DEVICE; RIGHT?  
11:58AM 23 A. RIGHT.  
11:58AM 24 Q. AND WITH REGARD TO THE 40 READERS IN THE FIELD FOR THE ABA  
11:58AM 25 TRIAL, THEY ALL HAD CARTRIDGES; RIGHT?

11:58AM 1 A. RIGHT.

11:58AM 2 Q. AND THEY WERE ALL RUNNING TESTS; RIGHT?

11:58AM 3 A. RIGHT.

11:58AM 4 Q. AND SO DO YOU HAVE ANY REASON TO BELIEVE THAT THE DEVICE

11:58AM 5 THAT WALGREENS HAD, DID NOT HAVE CARTRIDGES?

11:58AM 6 A. I DON'T KNOW.

11:58AM 7 Q. AND DO YOU HAVE ANY REASON TO BELIEVE THAT IT COULD NOT

11:58AM 8 RUN TESTS?

11:58AM 9 A. NO.

11:58AM 10 Q. OKAY.

11:59AM 11 MS. WALSH: MAY I HAVE ONE MOMENT, YOUR HONOR?

11:59AM 12 THE COURT: YES.

11:59AM 13 (DISCUSSION AMONGST DEFENSE COUNSEL OFF THE RECORD.)

11:59AM 14 MS. WALSH: NO FURTHER QUESTIONS.

11:59AM 15 THE COURT: MR. BOSTIC?

11:59AM 16 MR. BOSTIC: NOTHING FURTHER, YOUR HONOR.

11:59AM 17 THE COURT: MAY THIS WITNESS BE EXCUSED?

11:59AM 18 MR. BOSTIC: YES, YOUR HONOR.

11:59AM 19 MS. WALSH: YES, YOUR HONOR.

11:59AM 20 THE COURT: YOU'RE EXCUSED, SIR. THANK YOU VERY

11:59AM 21 MUCH.

11:59AM 22 THE WITNESS: THANK YOU.

11:59AM 23 THE COURT: YOU CAN JUST LEAVE THE BINDERS THERE.

11:59AM 24 THEY'LL BE COLLECTED.

11:59AM 25 LADIES AND GENTLEMEN, WE'LL TAKE OUR WEEKEND BREAK NOW. I

11:59AM 1 WANT TO DO TWO THINGS. I WANT TO REMIND YOU OF THE  
12:00PM 2 ADMONISHMENT.

12:00PM 3 PLEASE, DURING THE WEEKEND, DO NOT READ, DISCUSS, OR IN  
12:00PM 4 ANY WAY LEARN ANYTHING ABOUT THIS CASE.

12:00PM 5 ALSO, I WANT TO TELL YOU, WE WILL -- MS. ROBINSON WILL BE  
12:00PM 6 GIVING YOU A CALENDAR. I THINK IT'S COLOR CODED. AND SHE'LL  
12:00PM 7 GIVE YOU THOSE BEFORE YOU LEAVE.

12:00PM 8 PLEASE LOOK AT THESE OVER THE WEEKEND.

12:00PM 9 THE GREEN -- I THINK THE GREEN LEGEND DISPLAYS DAYS THAT  
12:00PM 10 WE WOULD LIKE TO CAPTURE SOME EXTRA TIME THAT I MENTIONED  
12:00PM 11 EARLIER THIS MORNING. SO IF YOU COULD PLEASE STUDY THAT AND  
12:00PM 12 THEN COMPARE IT TO YOUR SCHEDULES, AND I'D LIKE TO TALK WITH  
12:00PM 13 YOU ABOUT IT NEXT WEEK WHEN WE MEET AGAIN AS TO WHETHER OR NOT  
12:00PM 14 WE CAN CAPTURE SOME ADDITIONAL TIME SUCH THAT WE CAN KEEP OUR  
12:00PM 15 TRIAL ON SCHEDULE.

12:00PM 16 I APPRECIATE YOUR ACCOMMODATION IN THIS, AND WE'LL TALK  
12:00PM 17 ABOUT IT NEXT WEEK.

12:00PM 18 YOU HAVE A GOOD WEEKEND AND ENJOY YOUR WEEKENDS, AND WE'LL  
12:00PM 19 SEE YOU, I THINK IT'S TUESDAY, TUESDAY AT 9:00 A.M.

12:01PM 20 ALL RIGHT. THANK YOU.

12:01PM 21 (JURY OUT AT 12:01 P.M.)

12:01PM 22 THE COURT: THANK YOU. PLEASE BE SEATED. THANK  
12:01PM 23 YOU, COUNSEL.

12:01PM 24 THE RECORD SHOULD REFLECT THAT OUR JURY HAS LEFT FOR THE  
12:01PM 25 WEEKEND.

12:01PM 1 COUNSEL, ANYTHING BEFORE WE ADJOURN FOR THE WEEKEND.

12:01PM 2 MR. BOSTIC: NOTHING, YOUR HONOR.

12:01PM 3 THE COURT: MS. WALSH? MR. COOPERSMITH?

12:01PM 4 MR. COOPERSMITH: NO, YOUR HONOR.

12:01PM 5 THE COURT: ALL RIGHT. THANK YOU. HAVE A GOOD

12:01PM 6 WEEKEND. ARE WE GETTING TOGETHER AT 8:30 ON TUESDAY -- NO,

12:01PM 7 THAT'S WEDNESDAY, ISN'T IT?

12:02PM 8 MR. BOSTIC: I THINK IT'S CURRENTLY SET FOR TUESDAY,

12:02PM 9 YOUR HONOR.

12:02PM 10 THE COURT: THAT'S RIGHT.

12:02PM 11 LET ME JUST ASK, SCHEDULING WISE, THE WITNESS THAT THAT

12:02PM 12 MOTION PERTAINS TO, IS THAT OUR NEXT WITNESS?

12:02PM 13 MR. BOSTIC: AS OF NOW, YOUR HONOR, I BELIEVE HE'S

12:02PM 14 NOT NEXT, HE'S THE ONE AFTER THAT.

12:02PM 15 THE COURT: AND THE NEXT WITNESS IS -- WILL WE

12:02PM 16 JUST -- SCHEDULING, WILL WE COMPLETE THAT WITNESS, DO YOU

12:02PM 17 THINK, ON TUESDAY?

12:02PM 18 MR. SCHENK: YOUR HONOR, I THINK THE GOVERNMENT WILL

12:02PM 19 FINISH THE DIRECT IN THE MORNING ON TUESDAY.

12:02PM 20 THE COURT: I SEE. OKAY. ALL RIGHT.

12:02PM 21 ANY IDEA YOU WANT TO OFFER, MR. COOPERSMITH?

12:02PM 22 MR. COOPERSMITH: I THINK HE'S A FAIRLY IMPORTANT

12:02PM 23 WITNESS, BUT THERE MIGHT BE, YOU KNOW, A FAIR AMOUNT OF CROSS.

12:02PM 24 I HAVEN'T SEEN THE DIRECT YET, SO IT'S HARD TO SAY

12:02PM 25 EXACTLY.

12:02PM 1 THE COURT: OKAY.

12:02PM 2 MR. COOPERSMITH: BUT I'M NOT SURE THAT HE WILL BE

12:02PM 3 FINISHED ON TUESDAY, ALTHOUGH IT'S POSSIBLE.

12:02PM 4 THE COURT: ALL RIGHT. FAIR ENOUGH. THANK YOU.

12:02PM 5 THANKS VERY MUCH. ALL RIGHT.

12:02PM 6 (COURT ADJOURNED AT 12:02 P.M.)

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

A handwritten signature in black ink that reads "Irene Rodriguez". The signature is written in a cursive, flowing style with a large, decorative flourish at the end of the last name.

IRENE RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074

DATED: MARCH 15, 2022